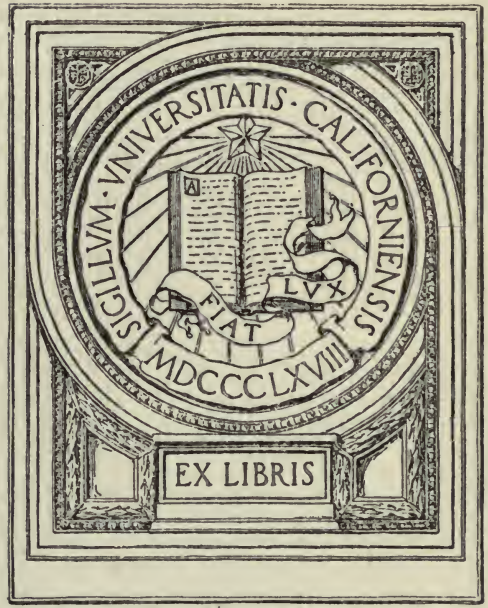
SIGILLVM · VNIVERSITATIS · CALIFORNIENSIS
LVX
FIAT
MDCCCLXVIII
EX LIBRIS

595 d
055

A MANUAL OF DEBATE AND ORAL DISCUSSION

Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

http://www.archive.org/details/manualofdebateor00oneirich

A MANUAL OF DEBATE AND ORAL DISCUSSION

FOR SCHOOLS, SOCIETIES AND CLUBS

BY

JAMES MILTON O'NEILL

Professor of Rhetoric and Oratory in the University of Wisconsin, Co-author of *Argumentation and Debate*, Editor of *The Quarterly Journal of Speech Education*

NEW YORK
THE CENTURY CO.
1920

Copyright, 1920, by
THE CENTURY CO.

UNIV. OF
CALIFORNIA

TO
THE MEMORY OF
GEORGE RAY WICKER
A TEACHER

WHO IN SCHOOL AND COLLEGE
ON THE STREET AND PLATFORM
TAUGHT MEN TO THINK
AND TO EXPRESS THEIR THOUGHTS

437188

PREFACE

The purpose of this book is to present in the briefest and simplest manner possible the necessary elementary principles which are observed wherever orderly public discussion takes place, — whether in a formally organized debate on an unamendable proposition, or in the more informal discussion of separate propositions related to a general topic. It is clear that in both situations we are dealing with oral argumentation. The principles to be followed, either in debate or discussion, as these terms are used here, are necessarily very similar. Throughout this text, however, both forms are kept in mind, and here and there special adaptations to one or the other are definitely discussed.

Probably the ideal method of studying in this field, of preparing one's self to do effective oral argument, is to pursue a regular course of classroom work. This book is prepared principally with this situation in mind. It ought to be possible, in almost any school, club, or society, to organize such a class, to meet, if more frequent meetings are im-

possible, once a week for ten weeks, and to cover one chapter of this text each week. Such a regular course of study, with the working out of some of the exercises in connection with the different chapters, ought to prepare a large body of students in any institution, not only for intelligent participation in the debating or discussion work of the school, but also for thinking and talking in other courses and in all the affairs of life. Of course if more time is available, shorter lessons may be assigned, more exercises may be worked out, and, above all a great many oral exercises, oral debates and discussions, may be indulged in frequently by the class for the purpose of fuller practice in the principles here set forth.

Where regular classroom work is not possible, a great deal can be done, as always has been done, by a series of contests in debate or discussion carried on between the teams of societies, clubs, or schools. Since in many institutions the only opportunity for practice and instruction in this field is to be had outside of the regular classroom work, this text has been prepared with the needs of clubs and societies also in mind, and an attempt has been made so to explain and illustrate the principles here dealt with that it will be possible for the careful reader to understand them easily without the aid of a special prepared instructor in this work. A series of

debates or discussion contests [1] may be arranged between the the societies of a given school, between classes in the school, or between schools. Then each person participating should acquaint himself with the elementary principles of debate and discussion, and should be assured that he will be judged by his ability to practice such principles.

This text is offered in the belief that it presents, in a simple form, and appropriately adapted to the circumstances of school and contest work, the great principles of intelligent discussion which are exemplified in all the best work of this nature in the actual conduct of the affairs of life — in legislation, in law, in business, in science, in whatever fields men with opinions meet to argue their differences of opinion. Such principles are not new. There is considerable in this book that has been said before; but it is offered nevertheless as a text that is essentially different from any other text now available for the particular groups for which this book has been prepared. And it is offered in the belief that the principal differences between this text and others are due to the aim in this text *to make school debating and discussion more directly identical in character with the actual debating of practical life.* School debating should not be, and need not be, different from any other

[1] See Appendix.

debating which is intelligently carried on. The fundamental principles governing propositions, analysis, evidence, reasoning, brief drawing, refutation, etc., are the same everywhere. There is, then, in this book no attempt whatever to lay down rules for the guidance of school or club activities in this field which shall not apply to similar activities in college or university, legislature, courtroom, or business meeting. The attempt has been simply to expound and illustrate such principles in a sufficiently simple and non-technical manner to make the treatment as helpful as possible to beginners in this branch of study.

This text is not a simplification of *Argumentation and Debate,* by O'Neill, Laycock, and Scales (Macmillan, 1917). That book was prepared as a practically exhaustive treatment of the whole field indicated by the title, for both oral and written work. This book has, as has been explained, a much narrower scope. That book was prepared for use as a college and university text book. This is for an entirely different set of readers — students in schools, and members of clubs and societies who have no opportunities for regular class instruction. The general theory of argumentation and debate presented in these two books is of course the same. They are consistent with each other without being duplicates. Probably teachers of this text

will find it helpful to be acquainted with the treatment of certain problems as more fully presented in that larger and more advanced book.

J. M. O'N.

The University of Wisconsin.

CONTENTS

		PAGE
I	Introduction	3
II	Propositions	15
III	Analysis	28
IV	Investigation	49
V	Evidence	59
VI	Reasoning	84
VII	Refutation	105
VIII	Arrangement	117
IX	Composition	143
X	Delivery	157

APPENDIX

A	Parliamentary Motions	173
B	A Student's Brief	176
C	A Student's Brief, Outline, and Speech	206
D	Material for Briefing	
	1. Editorial	
	Biennial State Elections	231
	2. Argumentative Address	
	The Restoration of Our Merchant Marine	233

CONTENTS

PAGE

3. Student's Argument
The Railways After the War . . 245

4. Special Article (Refutation)
Campaign Against Sweating . . 267

E Debating Leagues 285

F Instructions and Ballot for a Judge of a Debate 289

G Criticism Blank and Ballot for Judge of a Debate 290

H Discussion Contests 292

I Instructions and Ballot for Judge of a Discussion Contest 296

Index 299

A MANUAL OF DEBATE AND ORAL DISCUSSION

A MANUAL OF DEBATE AND ORAL DISCUSSION

CHAPTER I

INTRODUCTION

A. Definitions.
B. Class and contest work.
C. Function of contests.
D. Decisions.
    1. Legislator's vote.
    2. Juryman's vote.
    4. Critic's vote.
E. Choosing judges.
F. Single expert judge.

A. *Definitions.* At the outset, let us have clearly in mind the meaning of the terms used in our title, and the purposes for which this book should be studied. By debate and oral discussion we mean certain specialized forms of argumentation. *Argumentation* is the art of influencing others, through the medium of reasoned discourse, to believe or to act as we wish them to believe or act. It is, in short, the art of getting other people to agree with us, or to do what we want them to do. By *debate* is meant a direct oral contest on a given proposi-

tion between two opposing sides at a given time and place. Such a contest may be an actual debate in real life in which some problem is being fought out, as in legislature or courtroom or business meeting; or it may be a contest debate carried on as a practice exercise or as a sport or game for the purpose of giving training in this field. If it is the latter, the proposition is usually an unamendable proposition, so that affirmative and negative have to stand for the affirmative and negative of the proposition precisely as worded, without any opportunity to amend it or change it to suit their varying opinions. By an *oral discussion,* or extemporaneous speaking contest, is meant a more general, less formal, less rigidly organized, argumentative contest or program on some proposition which may be amended or altered to suit the opinions of various people participating. Or it may mean a series or group of more or less independent arguments on separate propositions, all of which, however, relate to the same general topic. For instance, there might be a general oral discussion of the topic "Labor in War-time." Ten different speakers might appear, each giving an argumentative speech, some directly debating with others, but each choosing his own proposition in this field, or choosing to oppose the propositions of any of the other speakers.

B. *Class and contest work.* Probably the best

method of gaining the right start toward proficiency in the activities just defined, is to follow a regularly organized course of class room study. Such a course should include gaining an understanding of the whole of this text, the working out of most of the exercises given at the end of different chapters, and participation in as many oral exercises, debates, and discussions as possible in the time available. But where such regular class work is impossible, a great deal can be gained by participation in contest debates or discussion contests between societies, clubs, classes, or schools. If such contests are properly conducted, they can be of great educational advantage. If improperly conducted, they can very easily do more harm than good. We should understand their proper function and should so conduct these activities that we may get their full benefits and avoid possible evil effects.

C. *The function of contests* is apparently often misunderstood. Formal contests should be carried on, broadly, for the purpose of giving such training as will make those who partake better able to indulge in the discussion and debate which is to-day so generally necessary for the proper conduct of our affairs in actual life. They should also set before those who hear them good examples of public discussion. Both for those who participate and those who listen, contests in debate and discussion should be helpful toward higher standards, better

ideals, greater ability in this field. This broad ultimate purpose of all these contests should never be lost sight of. Their function is properly educational, and they should not be allowed to be diverted from their really great educational end. When we neglect their possibilities as educational agencies and prostitute them to mere advertising and cheap "sporting" ends, we are committing an offense as great as any of the outrages that characterized the worst days of athletic rivalry. Now it is only by making them approximate as closely as possible in character and conduct, the best debates and discussions of actual life that we can hold them true to this educational purpose. This ultimate educational aim of the whole activity can best be served, of course, by recognizing and acting upon *the truth* at every phase of study and activity. We should therefore recognize that the *immediate purpose of the contestants in any particular contest debate or discussion* is, and must be, to do better work than their opponents, to demonstrate their superiority in this field over those against whom they are contending. Any statement that their purpose *on the platform* is to *find the truth* or to *convert their hearers to the truth,* is obviously incorrect. The members of a debating team in a contest debate and the speakers in a discussion contest take the platform for the purpose of showing that they are better workmen than their opponents. If

their standards are what they should be, this is an entirely laudable purpose — one that should be frankly admitted and not hypocritically mislabelled or denied. This purpose is precisely parallel to that of contestants in any other similar contest in story writing, poetry, cabinet making, pottery, music, chess, football, or marksmanship. To do the work you are engaged in to the best of your ability, to surpass all rivals in your art according to the *highest standards* and the *best ideal* of that art, is a very worthy object in any contest — and one that should be frankly avowed. This does not mean an artificial display of personal qualities, but if the contest be intelligently judged, it means the very opposite. It means a submerging of the speaker in the speech, the subservience of the messenger to the message. It means decisions based on how well the speaker does his work — not on the judge's opinion of the speaker's purpose, decisions based on how well the speaker serves his message — not on how much the judge likes the content of the message. It means that the contest will be decided upon the basis of the better work, and that the standards applied shall be the correct standards by which all good and effective debating and discussion is guided everywhere.

D. *The decisions to be rendered,* then, in contest debate or discussion are of great importance. Correct decisions will enable this work to serve a really

significant educational end. Incorrect decisions, decisions rendered upon improper grounds, may so pervert the whole activity that the total result will be more harm than good. There are three possible types of decision which may conceivably be rendered at the close of a contest debate, and substantially the same three would apply to a discussion contest.

1. *The legislator's vote* is a vote in which the voter expresses his opinion of the proposition. When the time comes to vote, he votes as he believes on the question to be decided, regardless of what anyone has said or left unsaid. In a discussion contest he would vote for the speaker whose topic, point of view, or opinion concerning the subject of discussion, he liked best — which speaker he most closely agreed with. He is not limited to a consideration of the evidence presented in the debate or discussion just closed. He may properly call to mind all that he has ever known about the question under discussion,— his own personal experience, his own political philosophy, the interests of his constituents or his state, or his party,— and all things considered, he votes as he believes on the merits of the question before him. Such a decision is obviously improper at the close of a contest debate or discussion, because it can have no necessary vital connection with what the contestants have been saying or doing. It is absurd to believe that contest debaters can overturn the opinions of ma-

ture judges on the questions debated in the few minutes at their disposal. They may weaken or strengthen the judges' original opinion, or may leave it quite untouched. But unless we can assume that the debaters can really completely reverse the private opinions of the judges on the question involved, which is patently absurd, we gain nothing out of this decision which we would not get if we received these opinions of the judges by mail weeks before the debate. So the legislator's vote is totally unfit for our purpose here.

2. *The juryman's vote*[1] is a decision based upon the evidence duly admitted by the court in a given trial. Here the juryman is under oath to lay aside his private opinion, to disregard everything that he may know or believe which would have any bearing on the question except that which has been legally admitted for his consideration in this particular trial. Considering, then, only the evidence which has been here put before him, he votes on what he believes to be the strength of that evidence. His vote does not say, as would the legislator's, that he believes, all things considered, that A is guilty of a crime, or that A ought to pay B a thousand dollars, but he says essentially that the evidence here presented to prove that A is guilty is stronger than that presented on the other side. In the discussion

[1] See "The Juryman's Vote in Debate," *The Quarterly Journal of Speech Education,* October, 1917, p. 346.

contest this vote would be the same as in debate — the judge would vote for the speaker who in his opinion offered the strongest evidence without regard to any other consideration. The juryman's vote simply weighs evidence and disregards everything else. It recognizes the presumption of the innocence of the defense,— the negative,— puts a complete burden of proof on the affirmative, and votes for the negative unless the affirmative has completely sustained that burden of proof.

Such a decision is totally out of place in contest debating, for two principal reasons: *First,* the conditions governing contest debate,— time, allowance, the nature of the questions, etc.,— make it, as a rule, impossible for the affirmative *actually to prove by evidence* that they are right and the negative wrong. In other words, such a consideration of burden of proof would mean, in practically all contests, that a juryman's vote would necessarily have to be given to the negative. The affirmative simply could not prove its case in this strict courtroom sense of the term. In the *second* place, a decision so rendered is necessarily based simply upon evidence. The side which presents the stronger evidence wins, regardless of how the evidence is presented, regardless of where the evidence was obtained, regardless of the ease with which the evidence was obtained. The team which can present the stronger evidence in this way would very often

be simply the *lucky* team, the team which happened to get the side on which the stronger evidence was available. It is a decision strictly upon one element and only one element of what constitutes good debating. Everything but evidence being disregarded, all educational influence is taken away from the decision, and therefore from the contest. The judges say which side presented the stronger evidence, and the opinion of a group of three men as to the strength of evidence on one side or the other of a debatable proposition has no possible educational significance to the contestants concerned, nor to anybody else. Such decisions cannot possibly promote better debating because they totally disregard all elements of good debating save one,—that is the presentation of strong evidence.

3. *The critic's vote* is a vote given by a critic of debate or discussion who is present frankly in the capacity of critic, and who says at the end of the debate which team is made up of better debaters, or which team has done the better debating. In a discussion contest the critic would say which speaker had given the best discussion, considering everything that goes to make good oral public discussion. This is the only proper type of decision for contest debate or discussion. It takes into consideration *all* that goes to make intelligent debate or discussion. If this method is carefully practiced year after year, the record of such decisions can have

great educational influence. Contestants will learn what constitutes good debating, or discussion, and will learn that nothing else can win. All that is cheap, tricky, superficial, and unworthy can be penalized and discouraged, and so suppressed and eliminated. Solid, thorough, intelligent, direct, simple discussion can be rewarded and encouraged. All judges should be instructed to render this type of decision, and judges should be chosen *solely* upon their ability so to decide. Critics should be chosen whose opinion in regard to the excellence of debating or discussion is of real significance to the debaters and to all others interested.

E. *The choosing of judges,* then, becomes frankly an exceedingly important thing in contest debate and discussion. It should be done with great care. Of course what is meant here is not the old jockeying for judges, the choosing of judges on the basis of political and social and religious prejudice, or interest in one school or one state. The careful selection of competent critics in this field is meant. We should select competent critics in this field precisely as competent critics in architecture, music, road-building, or story writing would be selected to judge contests in their respective fields. The one thing to know about a judge of a contest debate ought to be, *Is he a competent critic of debating?* Does he really know what constitutes excellence in all departments of debate, and can he tell accurately

which of two groups, each of which is doing good work, is actually the superior group? Only such critics should be selected as judges, and they should always be instructed to render strictly a critic's vote.[1] The availability of judges of this sort is sometimes doubted. Yet it seems there must be in this country only a very few communities in which a number of men or women could not easily be obtained who know enough about oral argument to be able to give such an expert opinion on the quality of work done in any contest in oral debate or discussion. Teachers of debating, former contest debaters, lawyers, teachers, and public men are, most of them, more or less competent; and in any community a number ought to be found who are very competent indeed. A big advance will be made, anyway, if everywhere such judges as are available *are chosen strictly on this basis, are instructed to give simply a critic's vote, and are required to give reasons for their decisions and to sign their ballots.*

F. *A single expert judge* is often used, and the reasons for such use are very good. In the first place, if a debate is accurately judged, competent critics will usually substantially agree. It has been observed that the increase of unanimous decisions in contest debates judged by experts in debate seems to be increasing of late years. One competent ex-

[1] See ballot and judges' instructions, Appendixes F, G and I.

pert to decide the debate and explain the basis of his decision to both teams, and even perhaps to the audience, can render tremendous service to the cause of good debating everywhere.[1] Such a system makes it easier to have expert critics because probably one such person can always be found, and it saves the expense of having three or five judges. It is very much better to pay even $30 expenses to bring an expert judge from a distance than it is $10 apiece to bring from a shorter distance three distinguished citizens, whose decision, when all is said and done, is of very little educational significance. Competent critics should always be chosen, three or five if they are easily available and the cost is not prohibitive, and one alone if considerations of expense make a larger number impossible.

[1] See, "The Expert Judge of Debate," by L. R. Sarrett, *Quarterly Journal of Speech Education,* Vol. III, No. 2, p. 135.

CHAPTER II

PROPOSITIONS

A. Propositions necessary for argument.
B. In various situations.
C. The kinds of propositions for the purposes of debate.
D. The phrasing of the proposition.
E. The characteristics of a good proposition for debate.
   1. Assertion.
   2. Single.
   3. Unambiguous.
   4. Unprejudiced.
   5. As concrete and specific as possible.
   6. Burden of proof on the affirmative.
   7. As brief and simple as possible.
   8. Debatable.
   9. Interesting.

A. *Propositions necessary for argument.* Both in formal debate or in informal discussion we must have a proposition. A proposition is a complete statement that something is or is not true, or should or should not be done, as "The Federal Government Should Own and Operate Telephones and Telegraphs," or "John Jones is Guilty of Murder in the First Degree." In a general discussion the proposition for a certain time may well be a subproposition — to amend, or to postpone, or to send to a committee,— but some proposition there must be, either expressed or simply held in the mind of

the speaker, before we can have intelligent argument. We cannot have an argument the basis of which is simply a *term*. A term is a name, as "Federal Ownership," "The Mexican Problem," "The Negro Question." A term does not express a complete opinion; it does not make a complete statement which one can accept or deny. While it is possible to write a description, a narration, or an exposition, the subject of which is simply a term, we cannot have an argument or a debate or any orderly discussion which deals with a difference of opinion until a complete statement has been made stating a position which may be accepted or rejected, as "All coal mines in the United States should be owned and operated by the Federal Government." When a complete statement of a proposition is formally phrased as the subject of a debate, it is usually introduced by the words, "Resolved: that"; so a proper subject for an argument of any kind should always be written as follows: "Resolved: that all coal mines in the United States should be owned and operated by the Federal Government."

B. *In various situations.* It is necessary to have a proposition, in some form or other, expressed or unexpressed, in all sorts of situations in which argumentation is indulged in. In the courtroom the proposition is carefully stated in the pleadings; in a legislature, directors' meeting, or other delibera-

tive assembly, it is usually given in some motion or resolution; and in an argumentative speech, even though an opponent is not present to represent the other side, the proposition must be phrased just the same. The speaker or writer must have his own proposition, even though he does not state it in full to his audience in the beginning, or use it as the title of his speech or book or article. It may or may not be fully expressed at the start, depending upon whether or not the arguer thinks it wise to state his position in full at the very outset of his discussion. Sometimes it is well to lead up to the proposition gradually and give it in full to audience or readers after they have been prepared for it. Certainly, however, before one can write or speak an intelligent argument, he must know himself precisely the proposition for which he is contending. The benefits to the reader or hearer of exact knowledge of the precise position held by the arguer are so many and so obvious that the proposition should always be stated unless there is a definite and adequate reason for holding it back until the audience or readers have been prepared for it.

C. *The kinds of propositions* for the purposes of debate are: propositions of fact, and propositions of policy. A proposition of fact is one which aims at simple belief or acceptance on the part of the audience, as " Resolved: that Mars is Inhabited," or, " Resolved: that the Coal in the State of Illinois will

be Exhausted in Twenty Years." Propositions of policy aim at definite action — they deal with plans for having something done, as "Resolved: that the Federal Government Should Own and Operate all Coal Mines," or, "Resolved: that the Town of 'X' Should build a New High School," or, "Resolved: that Fraternities Should be Abolished from the Public High Schools in the State of 'Y.'" A proposition of fact raises the question: "Is this true?" A proposition of policy raises the question: "Ought this to be done?" For the purposes of practice in debating, and for contest debates, propositions of policy are usually better because they are usually more interesting and offer a wider type of appeal. Some questions of fact, however, may also serve as excellent propositions for practice and contest debating, such as, questions in history, and science concerning disputed matters, or other propositions dealing with important and unsettled matters of fact. In connection with this classification it should always be remembered that many simple propositions of fact are really not good propositions for debate, but are rather propositions for *investigation.* Do not attempt to settle by discussion simple propositions of fact which ought to be settled by investigation, questions concerning which intelligent men cannot very well honestly differ after the evidence has been submitted. For instance, do not debate how many acres the

school grounds contain; measure the grounds. Do not debate whether or not the price of coal is higher in Indiana than it is in Pennsylvania; refer to authentic reports and settle the question that way.

D. *The phrasing of the proposition* is not always an easy task, even though we have decided exactly what the problem is which we wish to discuss. The procedure to be followed in the phrasing of the proposition is in general as follows:

First, decide in your own mind precisely what problem you wish to argue about.

Second, write out a proposition stating that problem in words as accurately as you can, and

Third, go over this proposition, testing each word in it, and the various combinations of words in it, and the proposition as a whole, looking up the definitions of all doubtful words, to see whether or not, as a matter of fact, you have a proposition in words which would mean to someone else precisely what you wish it to mean. In other words, test your proposition with regard to what you wish it to mean, test it to see what it actually does mean as an English sentence, and then if it is not satisfactory, change it until it does state precisely the problem which you wish to discuss.

E. *The characteristics of a good proposition for debate* are listed below, and show in detail what should be the tests of any proposition, whether one which you are phrasing, or one which someone else has phrased and which you are testing. Regardless of the authorship of any proposition, if it is in

your power to change it or to have it changed, see to it before a discussion is held (particularly a public discussion, either in real life or in a contest debate) that the proposition meets the following requirements:

1. *A proposition should be an assertion,*— that is, it should be a direct affirmative statement. It should not be a term, as "High School Fraternities," nor a question, as "Are High School Fraternities Beneficial?" but it should be an assertion, as "Resolved: that High School Fraternities Should Be Abolished in the City of 'X.'"

2. *A proposition should be single.* It is obviously difficult to have a clean-cut discussion if there are two problems involved in the proposition instead of one, as, for instance, "Resolved: that Interscholastic Football Should Be Abolished and a Glee Club Organized in the 'X' High School."

3. *A proposition should be unambiguous.* A word or a proposition is ambiguous when it is capable of two or more meanings or interpretations. While it is very difficult indeed to express a situation which is at all complex in language that is sufficiently unambiguous so that *no possibility* of two interpretations remains, it is usually easy enough, if sufficient care is exercised, to state a proposition in terms sufficiently unambiguous so that one meaning and only one meaning could *naturally* be given to it. "Resolved: that Schools

Should not be Co-educational" is ambiguous, because the term "schools" may refer to so many different types of institutions. "Resolved: That Democracy should Triumph in the November Elections" is ambiguous, because it might be taken to mean either the principles of democracy or the Democratic party. Even the principles of democracy are sufficiently ambiguous so that even if this term were used instead, one might still be left in doubt as to precisely what ticket or platform or candidate you desire to see win. Try always to state propositions in accurate, unambiguous terms, so that anyone reading or hearing your proposition will know as precisely as may be just what you desire to have believed or to have done.

4. *A proposition should be unprejudiced.* A prejudiced proposition is one which assumes by its terminology some point or points which should be proved as part of the argument. For instance, "Resolved: That the *Brutal* Game of Football Should be Abolished," or "Resolved: That the *Useless* System of Final Examinations Should be Abandoned," or "Resolved: That the *Undesirable* Japanese Should be Excluded from the Public Schools" (or from the country). These propositions all assume points that should be proved,— namely, "that football *is* brutal"; "that final examinations *are* useless"; and "that Japanese *are* undesirable." Do not color with terms of praise or blame a propo-

sition for use in argument. State in unprejudiced terms the question which you wish to have debated, and leave for the argument the question of what may be assumed, and what will have to be proved.

5. *A proposition should be as concrete and specific as possible.* It is well to qualify this statement with the words "as possible," because we are dealing here with relatively and not absolutely desirable qualities. If your proposition deals with an abstract or general matter, it is impossible to phrase it in concrete and specific terms. The proper thing to do is to make your proposition as concrete and specific as the nature of the question will permit. Do not say, "Money should be spent for a dramatic coach," if you mean specifically that "$100 at present in the dramatic club treasury should be used to hire Mr. X to coach the club play." Do not say, "Resolved: That the School Grounds Should be Improved," if what you really wish to debate is the question of grading and seeding the south lawn. Do not say, "Trees should be planted in 'M' county," or that "Reforesting is beneficial to the state," if your intention is, "That the state government should appropriate $10,000 a year for the next ten years for the reforesting of a certain tract of state land in 'M' county." Make your proposition as concrete and specific as the circumstances will allow.

6. *The burden of proof should be on the affirma-*

tive. The burden of proof means the duty of proving the case. The duty of proving the case is always upon the man who demands a change, who objects to things as they are, who brings a charge against an individual or an institution. In other words, *the burden of proof is always upon the man who will be left unsatisfied if the present situation is not changed,* if nothing is done, no new beliefs accepted. The man who wants federal ownership and operation of all coal mines in the United States is the man who will lose if nothing is done with regard to the question, the man who would still be left unsatisfied. Therefore, the burden of proving that the federal government should own and operate all coal mines is squarely upon that man. The proposition should read: "Resolved: That the Federal Government Should Own and Operate All Coal Mines in the United States." An improper wording would be: "Resolved: That Coal Mines Should be Owned and Operated by Private Companies," or the wording, "Resolved: That the Federal Government should not Own and Operate All Coal Mines in the County."

The burden of proof is on the man who brings a charge of wrong-doing against an individual or an institution. A man is presumed to be innocent until he is proved to be guilty. Therefore, all statements of propositions which raise a question in regard to the character, ideals, or competence of in-

dividuals or institutions should be so phrased that the affirmative of the proposition as worded shall have the burden of proving the case.

It does not matter, so far as burden of proof is concerned, whether or not the word "not" is used in the proposition. It is not necessary that negatives be avoided in the phrasing of the proposition. For instance, as far as affirmative and negative and burden of proof are concerned, the proposition, "Resolved: That United States Senators Should not be Elected by Popular Vote," is perfectly correct at the present time, because they are now so elected, and the affirmative should be the side demanding a change. But a proposition should be phrased in terms of what you want rather than in terms of what you do not want (to be as concrete and specific as possible), so it would be better to say, "Resolved: That United States Senators Should be Elected by the Legislatures of the Various States." But as far as burden of proof is concerned, either proposition is correct, and the proposition which is clearly wrong from the standpoint of burden of proof is, "Resolved: that United States senators should be elected by popular vote." This was the correct wording a few years ago, but since this method has been adopted, the burden of proof now falls upon anyone who desires a change in the system as it is; that is, the burden of proof

now falls upon anyone who objects to popular election of senators.

7. *The proposition should be as brief and simple as possible.* This is also stated with a qualification, because brevity and simplicity are also relative qualities. If your proposition deals with a complex problem, accuracy may demand a very long and very complex proposition, and *accuracy should always have the right of way over brevity or simplicity.* When you have used the fewest and the simplest words which will accurately state what you want to say in your proposition, then you have fulfilled this requirement. Strike out every superfluous word in order to gain brevity. Choose always the simplest word which will express your meaning in order to gain simplicity, but never sacrifice exactness, clearness, accuracy, for either brevity or simplicity.

8. *A proposition should be debatable.* That is, it should not be one-sided. The proposition, "Resolved: That the Earth is Flat," is no longer debatable. Propositions that are *obviously true or false* or substantially so when the evidence is presented[1] are not good propositions for debate. A proposition which simply deals with personal opinions, *personal taste,* personal choice, is not debatable,

[1] See what is said about questions to be *investigated* rather than debated, under c. p. 21.

as, "Resolved: That Mince Pie is Better than Apple Pie." Propositions which simply raise *a question of definition* of terms are not debatable, as, "Resolved: That Kipling's *Barrack-Room Ballads* are Great Poetry." This simply raises a question (for those who are familiar with the ballads) as to what is properly covered by the term "great poetry." Agree upon your definition of great poetry, and there is no debate possible. If you wish to debate what properly the term "great poetry" ought to mean, or does mean, then phrase the proposition frankly raising that question. Propositions dealing with such a combination of questions of definition, and questions of personal taste, as are contained in *comparisons* of one sort or another are always poor propositions for debate, because really not debatable. For instance, "Resolved: That Medicine is not a More Noble Profession than Law," or, "Resolved: That General Sherman was a Greater American than Patrick Henry."

9. *Propositions should be interesting* when they are to be used as the subjects of public contest debates. This qualification obviously does not apply to propositions which we meet in real life. If you are a member of a legislature, you will probably be called upon to vote, if not to speak, upon all sorts of propositions whether you are interested in them or not; certainly whether or not the gen-

eral public is interested. But the good results which may follow from contest debating are greatly enhanced when the propositions used in the debates are genuinely interesting to the contestants and to the audiences which may hear the debates.

Exercises

1. Write out ten good propositions for debate, of which six shall be propositions of policy, four propositions of fact.

2. Phrase good propositions for debate on some phase of each of the following subjects (these terms need not necessarily be used in the propositions): Interscholastic debating. College entrance examinations. Final course examinations. Military preparation. Liquor regulation. Woman suffrage. Local water supply. Early local history. School discipline or government. School buildings.

Note

Lists of ready made propositions for debate are omitted from this book, in the thought that it will be much better for students to phrase their own resolutions according to the suggestions of this chapter than to depend upon any ready made list. Propositions should be phrased on subjects of real interest to the students, and which can be studied and investigated under the actual conditions surrounding the students concerned. Local questions, school questions, or questions suggested by the news or editorials of the daily press of any section of the country, ought to be most valuable. Further suggestions may be gathered by examining such periodicals as the *New Republic,* the *Review,* the *Nation,* the *Outlook,* the *World's Work,* the *Review of Reviews, Current Opinion,* etc., etc.

CHAPTER III

ANALYSIS

A. The problem of analysis.
B. Burden of proof and burden of rebuttal.
C. The issues.
    1. Example in law.
    2. Example in general argument.
    3. Kinds of issues.
D. The partition.
E. Stock issues.
    1. Stock issues must be analyzed.
F. The affirmative case.
G. The negative case.
    1. Pure refutation.
    2. Defense of the present.
    3. Adjustment or repairs.
    4. Counter proposition.
H. Winning and losing.

A. *The problem of analysis.* Having decided upon a properly worded proposition for debate, discussion, or speech, the next problem is that of analyzing the proposition to find out precisely the work that must be done to establish it if we are on the affirmative, and to prevent its establishment if we are on the negative.

B. *Burden of proof and burden of rebuttal.* The first consideration in this part of our work is the problem of the burden of proof. It was said in

the last chapter that the proposition should be so phrased that the burden of proof is on the affirmative. Now the burden of proof is always on the actual affirmative, on the side which has the risk of the proposition, on the side which will lose if nothing is done. The proposition should be so worded that this falls on the affirmative of the verbal proposition. This burden of proving the case rests upon the affirmative then, and never shifts. Nothing which may happen in the trial of a case or a debate on a proposition can possibly place upon the negative the burden of proving the proposition under discussion. If the affirmative succeeds in establishing what is called a *prima facie* case, then the burden of refuting that case is on the negative. A *prima facie* case is a case which is strong enough to win if it is not answered. When the affirmative has established a case strong enough to win if the negative does not refute it, then the negative has a burden of rebuttal. To call this a *shifted burden of proof* is misleading and inaccurate. It is only a *burden of rebuttal,* and should be so labelled. If the negative presents a satisfactory answer to the *prima facie* case of the affirmative, they have carried their burden of rebuttal satisfactorily, and they may be said to have *shifted the burden of rebuttal* to the affirmative, which must now refute what the negative has established, or suffer the consequences. So the burden of rebuttal, the task of answering

what has been put up by the other side, may be shifted from side to side, but the burden of the proposition under discussion is, if the proposition is well phrased, always on the affirmative and can never shift.

C. *The issues.* The principal object of all careful analysis of propositions is to discover the issue or the issues. There may be one issue, or there may be more than one. The term is usually used in the plural, although it should be well understood that in some cases there is only one issue. We will, however, conform to the usual custom of using the term "issues." The issues are the questions the affirmative side of which must be established by the affirmative, or admitted by the negative, in order to establish the proposition. They are the necessarily and inherently vital points, elements, or sub-propositions, upon the establishment or the satisfaction of which depends the establishment of the proposition. They are not simply main points, or important points, or points on which there is a clash of opinion. They are those particular points on which there is a *vital* clash of opinion, points so vital that if the negative succeed in blocking the establishment of any *one* of them, the affirmative case fails. The theory of issues, in general argumentation and debate, is borrowed directly from legal procedure, and in our analysis of propositions, in our discovery of issues, we should

follow that procedure as far as it is clearly applicable to our problems. Let us illustrate the nature of issues by two propositions, one in law and one in general argument.

1. *Example in law.* Suppose, for the legal example, that "A" is accused of burglary at common law. Now burglary at common law was a crime made up of five distinct elements. If any one element was lacking, the crime of burglary had not been committed. So when a man was accused of burglary there were necessarily five issues, each one of which the affirmative must either establish or get the negative to admit. Burglary consisted of (1) breaking and (2) entering, (3) a dwelling, (4) at night, (5) with felonious intent. If the door was open so that the accused did not break, he did not commit the crime of burglary, regardless of what other crimes he may have committed. If he did not enter, simply looked in or threw in something, he did not commit the crime of burglary. If the building entered was not a dwelling, burglary was not committed. Murder, larceny, or other crimes may have been committed in the building, but if the building was not a dwelling, there was no burglary. If the affair did not take place at night, the crime of burglary was not committed. If it was not done with felonious intent, burglary was not committed. For instance, if a man broke and entered a dwelling house at night for the purpose of saving someone

from a fire or other danger, he did not commit the crime of burglary. All the elements are present but one, which was felonious intent. Now any person accused of burglary who could prevent the state from establishing any one of these five elements necessarily had to be acquitted of that particular charge. Proving four fifths of the case was not sufficient for the affirmative — all five issues had to be established or admitted. The negative might admit any four of them without discussion, then prevent the establishment of the fifth, and win.

2. *Example in general argument.* Only questions which are vital in this strict sense of the word can be issues, either in law or in general argument. Suppose a new army camp is being built in a certain part of the country, and a question arises as to a water supply for the camp. Let us assume the proposition: "Resolved: that Camp Washington should use the water of the Brown river." Now what are the issues? What are the things that must be established or admitted before it will be accepted that Camp Washington ought to use this particular river water for its water supply? Any water supply has to meet three tests: there must be sufficient water, the water must be pure enough, and it must be possible to obtain it (that is, sufficiently accessible, cheap enough). In other words, the quantity, the quality, and the accessibil-

ity or price to be paid, are all vital considerations in a water supply question. So our issues in this proposition would probably be something as follows: (1) Does the Brown river afford a sufficient water supply for Camp Washington? (2) Is the water of the Brown river pure enough? (3) Is such a water supply satisfactory from the standpoint of cost, or in other words, will it be cheap enough? Now if the negative wishes to admit that there is water enough in the river, and that it is cheap enough, but can establish that it is impure (unsatisfactory in quality), the affirmative case fails. If the negative admit that the water is good enough and cheap enough, but that there is not enough of it, that the camp cannot get along on such a supply, the affirmative case fails. Or if the negative will admit that the water is pure enough and that there is enough of it, but that the cost is prohibitive, that the river is so far from the camp, across so many miles of difficult territory that the cost of bringing the water to the camp would be too great, then the affirmative case fails; or the negative may admit one and fight on the other two; or the negative may oppose all three. These three questions illustrate the theory of issues as applied to questions in general argumentation.

3. *Kinds of issues.* All questions may be analyzed in much the same manner, though all, of course, are not so easy to analyze as these ex-

amples. The issues may be discovered with sufficient study and investigation in *any* proposition provided that the person seeking to find the issues *knows what issues are.* No amount of analysis and study and thinking will discover the issues to a student who has a false conception as to what constitutes issues. So in all your analysis you must keep steadily in mind that you are looking for those *fundamentally vital* questions, *every one* of which the affirmative must establish in order to establish its case. These questions are so vital that if the negative prevents the affirmative from establishing a single one, the whole affirmative case fails. This analysis will be assisted if we keep in mind certain terms that may be applied to issues, or "the kinds of issues" we deal with at different steps in the process. The list of fundamentally vital questions in its entirety, before those questions which the negative admit have been subtracted from it, is made up of what should be called the *potential* issues. The five elements in burglary constitute the potential issues. Those elements which the negative will admit may be called *admitted issues,* that is, they would have been issues had the negative fought on them. The negative having admitted them, they drop out of consideration. The points left, on which when the case is tried or the argument is held, the negative and affirmative actually oppose each other, are the *actual issues* or the *fight-*

ing issues. So in any question, seek by careful study to find the potential issues. Then if on the negative, subtract those you are willing to admit, and prepare to fight on the others. If on the affirmative, find out directly if possible what the negative is willing to admit. If this cannot be done (as in a contest debate usually) determine by studying the possibilities what the negative will probably admit and spend most of your time on the other questions. But in the absence of a formal admission, be ready to offer the best possible affirmative proof on all issues.

D. *The partition.* The "points in partition" are often confused with the "issues." A partition is simply a plan of speaking or writing which a person or a group (as a debating team) proposes to follow. This plan may be exactly parallel to the issues, or it may contain additional points — such as a big point in refutation which is aimed at a source of information used by the other side. For instance, in the water supply case, the affirmative might present its case under four points. This water supply is pure enough, it is sufficient, it is accessible, and fourth, the alleged expert on which our opponents base their claim of impurity is a fraud. The affirmative *might* wish to make so much of the fact that the negative case is based upon a fraudulent report that they would bring this consideration into the case as a main point

and devote as much time to it as to any one of the issues, or even more time. But of course the character of a man cannot be an *inherently* vital consideration in a water supply question. It is of only accidental importance. The issues should always be covered by the points in partition, of course; but for purposes of *presentation to an audience,* two or more issues might be combined under a single main point, or one issue may be split up into three main points, or main points may be simply added, to the enumeration of the issues, so while the statement of the issues and the statement of the points in partition will be necessarily closely related, they will not necessarily be precisely parallel. The statement of the partition is a problem in *outlining,* and, as in all problems in outlining, should be worked out with the particular audience, occasion, time limit, etc., in mind. So sometimes it will differ greatly from the issues.

E. *Stock issues.* For propositions of policy which have to do with systems or methods of attending to affairs which have to be attended to on some basis or other, it is *always possible to start the analysis* with two big questions which might be called the "stock issues." These questions are: "Is there something wrong with our present system or present situation?" and second, "Is the change advocated by the affirmative the proper remedy?" These two stock issues may be phrased differently

as: Is there a cause for action? and, Is this the action we ought to take? Is there something wrong? and, Will this make it right? Do we need a change? Is this the change we need? But regardless of the phraseology employed, the stock issues always raise two questions: (1) whether there is something wrong with the present, and (2) whether or not the affirmative is proposing the proper course of action to take provided there is something wrong. While it is inaccurate to say that these stock issues may apply to every proposition for debate, it is correct to say that we may apply them to every proposition of policy which deals with a change in regard to some system of handling *affairs which must be taken care of as we are now taking care of them, or else in some other way,* such as problems dealing with education, transportation, government, public health, etc., etc. In other words, practically all propositions of policy of the sort used in practice or contest debates are such that the stock issues apply to them.

1. *Stock issues must be analyzed.* The stock issues should be the beginning, not the end, of an analysis. It is unsafe to accept them as necessarily *the issues* in any case without further study and investigation, for two reasons. First, it may be discovered that a very much *more specific and accurate wording* will be found than is found in the general phraseology suggested above. The issue

may be specifically, "Is the present water supply adequate?" or "Is the present city administration dishonest?" or "Is our present transportation system inefficient?" etc. And in the second place, it may be possible to break up one of the stock issues, particularly the second one, into two or three questions *each of which is an issue,* that is, each of which is so vital that the affirmative must establish or gain an admission of each and every one of them, or the affirmative case fails. In the question of changing a city water supply, for instance, the second stock issue, the question of the proper action to take will be answered only by answering whether or not the supply advocated by the affirmative is large enough, pure enough, and cheap enough. If the negative blocks the establishment of one of these three considerations, the whole affirmative proposition fails, so that you really have four potential issues instead of three. But it must be remembered that whenever you can break up a stock issue into smaller and more definite questions these smaller and more definite questions are not *necessarily* issues. Suppose, for example, under a proposition dealing with reorganization of a factory, that the second stock issue stated specifically is (as, of course, it might well be), "Is the proposed system financially satisfactory?" Suppose you break this up into the questions: "Will it permit of cheaper raw material?" "Will it permit of saving in ad-

vertising?" "Will it increase the sales?" These are three different ways of showing financial advantage, but it is not necessary to show financial advantage in *each* of them, nor in any one of them. No one of these is *inherently vital* — the total must show financial advantage, and financial advantage is the issue to be established any way the affirmative is able to establish it. So these minor questions cannot be issues.

The following analysis of a "water works" question may help to make this clear.

I. The stock issues:
   A. Is their something wrong with the present water system? and
   B. Is the proposed change the proper remedy?

On investigation and further analysis result in the following:

II. Potential issues:
   A. Is the present supply inadequate?
   B. Is the proposed supply adequate?
   C. Is the proposed supply pure enough?
   D. Is the proposed supply sufficiently accessible (or cheap enough)?

Then if the negative is willing to admit B. and D. of this group we may list as

III. Admitted issues:
   A. The proposed supply is adequate.
   B. The proposed supply is cheap enough.

And we will have remaining as the actual issues for the debate:

IV. Actual issues, or fighting issues:
   A. Is the present supply inadequate?

B. Is the proposed supply pure?

F. *The affirmative case.* Closely allied to the problem of discovering issues in any proposition is the problem of determining exactly what sort of case shall be undertaken by each side, whether affirmative or negative. The affirmative case does not admit of much variation. Somehow or other the affirmative must establish, or gain the admission of, each issue in the proposition. The affirmative has the burden of proof on each issue. If the affirmative knows that the negative will admit one of the potential issues, the fact may simply be stated in the introduction and then dropped. If the affirmative feels that the negative will probably admit certain of the issues, they may hold in reserve their constructive proof of these points, until they can determine in the actual contest whether or not, as a matter of fact, the negative will make the desired admissions. But the nature of the case which the affirmative will maintain on the platform in any debate is necessarily, as a minimum, the establishment of the affirmative side of each potential issue which the negative will not admit. Now they may establish these issues in any way that is legitimate and proper. It is their case. Theirs is the burden of proving it; and theirs, of course, must be the choice of means and methods. So that after discovering issues and deciding which ones it will be necessary to prove constructively, the

affirmative may then take up the question of outlining the proof of these issues, of partitioning the case in any way that seems good to them. In such partition, it is, of course, possible that the affirmative will include certain points, such for instance, as a major point in refutation, which would not be covered by any issue. If the negative, for instance, is basing a large part of its case upon the results obtained in a given factory under a given system, the affirmative may wish to put into their main case as a principal point the contention that this particular factory is not a fair sample to use in the discussion and that any conclusions which the negative draws from the results in this factory are untrustworthy and misleading. Such a contention is often found as a main point of the affirmative case, and it is not necessarily covered by any issue. Details of outlining will be more easily grasped after studying the chapter of brief drawing and outlining.

G. *The negative case.* In deciding upon a negative case, there is much more opportunity for various choices. Somehow or other the negative must in the course of the debate block at least one issue. That is, they must prevent the affirmative from establishing at least one vital contention, but this defines their duty rather than explains methods of meeting it. This duty may be performed in different ways according to circumstances. There are,

however, four well recognized types of negative cases.

1. *Pure refutation.* Sometimes the negative can accomplish its purpose simply by explaining the weakness of the affirmative case, simply by showing that there is no merit whatever in the charge or recommendation which is contained in the proposition. Of course, such a case is not possible very often. It is practically never possible in contest debating. It is sometimes met in the courtroom and the legislature and in various cases in real life in which some person makes a recommendation or brings a charge which is so unwise or unsound that it can be dismissed without doing much more than pointing out its inherent weakness. This type of negative case should never be relied upon when the affirmative has an opportunity to establish anything of any strength whatever in favor of their side of the proposition.

2. *Defense of the present,* or a positive defense of the negative presumption. Since the burden of proof is always with the affirmative, the presumption (of innocence or satisfaction) is always with the negative in any properly worded proposition. The first type of negative case which we have just mentioned is devoted simply to the work of bringing out the idea that the affirmative is totally unable to carry its burden of proof. This second type of negative case goes further than that, and

adds to pure refutation a positive defense of the negative presumption. This is particularly well illustrated in propositions of policy which recommend changes in our present methods of tending to affairs. Here often the negative in addition to making as much as possible of the affirmative's difficulty with the burden of proof, bring in positive proof to show that *the present,* the situation as we have it, *is satisfactory.* In this case the negative "stands pat" on the existing situation, and defends it against criticism and attack. This is a stronger case than No. 1 and is more frequently heard, but it is still a dangerous position to take if the affirmative have very much to say to justify their cause for action.

3. *Adjustment or repairs.* A third type of negative case is one which admits that there is something in the criticisms of the affirmative, which takes the position that the present is not perfect, that it is well to repair or reform what we have, but it denies that the affirmative contention is sound, and that it is necessary to adopt the line of action which the affirmative suggests. It is substantially a defense of the present, a defense of the original negative presumption, but it yields a little to the force of the affirmative's proof, and admits that some changes or repairs might be made, and recommend the making of such changes or repairs. In other words, it says, "Do not build a new house,

repair the one you have." This is probably the most common type of negative case met either in contest debating or in various fields of activity in real life.

4. *Counter-propositions.* The most daring and radical case which the negative may choose is a case built on a counter-proposition. In this case the negative admits that the present is indefensible, it does not attempt to justify the existing situation, but agrees with the affirmative as to the cause for action, either categorically or "for the sake of argument." "But," says the negative, "even if the present is wrong, the proposition of the affirmative is also wrong." In other words, it admits that there is a disease, but denies either that the affirmative have made the proper diagnosis, or are offering the proper remedy. It admits that we need a new house, but says that the affirmative are not advocating the kind of house which we need. It admits that something is wrong, but takes the position that the affirmative are not advocating the proper method of remedy. This is the most radical case which the negative can undertake, and should never be undertaken unless the negative is willing to stand by all that is implied in a counter-proposition case. Such a case usually admits one of the issues of the affirmative, often admits at the start the truth of the affirmative cause for action, and this necessarily advances the cause of

the affirmative by so much. It admits that the affirmative is right in bringing its criticism, and then falls back simply on the one contention that their remedy is wrong. Furthermore, this case can only be properly undertaken when the negative is willing to *state its counter-proposition with perfect frankness and clearness.* If you say that we must have a new house, but we must not have the kind of house that the affirmative wants, then clearly you cannot dodge the responsibility of stating what kind of a house we should have. If you admit the disease, but deny that the remedy proposed is the correct one, then you must at once tell what the correct remedy is. Not only that, but in the second place, the negative must be very *sure that the counter-proposition which they offer is actually counter.* That is, it must be positively inconsistent with what the affirmative is offering. A slight variation of the affirmative's remedy, a slight addition to it, or modification of it, will not do. If the affirmative says, "Let us have a three-story house," the counter-proposition must not simply say, "Let us have a brick house." It must be a remedy the acceptance of which will necessarily eliminate the remedy offered by the affirmative. I have listened to contest debates in which the negative was obviously trying to rely upon a counter-proposition case, but in which they failed to make their proposition clear, and in which the nature of that proposition (as it

could be inferred by the listener) was not inconsistent with what the affirmative was arguing for. These two principles in regard to counter-proposition cases should be very carefully adhered to.

To illustrate these types of cases, suppose the proposition to be "Resolved: that the town of X should build a new High School." 1. *Pure refutation* would consist in attacking whatever the affirmative offered, showing how they fail to make out any good case for a new school simply by discussing their arguments without actively defending the present building. 2. *Defense of the present* would add to the attack on the arguments of the affirmative positive argument to show that the present high school is perfectly satisfactory, that no change of any kind is needed. 3. *Adjustment or repairs,* would admit that there is something in what the affirmative says, but would claim and try to prove, that the proper course is not to build a new building but to fix up the old one — to put in new heating plant, new fire escapes, etc. 4. *Counter-proposition,* would admit the whole case of the affirmative as far as the present building is concerned, no attempt to defend the present would be made, the cause for action would be admitted in full, but the action to be taken would be the point of contention. The negative might say by way of counter proposition that the right thing to do would be to abandon the high school, organize an auto-bus serv-

ice and take all high school students for the town of X to the big high school in the nearby city of Y.

H. *Winning and losing.* It must be remembered that what has been said in this chapter in regard to winning and losing, in regard to the necessity of the affirmative establishing all of the issues of its case or else losing, refers to actual debates in real life. This is not the proper basis for a decision in contest debating. The judge of a contest debate should be called in to give an expert opinion as to *which side does better debating.* He should never be asked or allowed to render a decision based upon his opinion as to whether or not the affirmative has proved its case. The restrictions which necessarily govern contest debating between schools, colleges, clubs, etc., are such that in any well worded proposition the affirmative has an almost hopeless disadvantage if it is to be held to an actual proof of its case in the time allowed. The judge of a contest debate should never think out his decision in terms of cases, or of weight of evidence, or of strength of argument, *except as these things have a bearing on the real question, "Which side has the better debating team?"* The judge should be an expert in debating, and should be instructed to give a decision in terms of ability of the contestants as debaters, precisely as a judge in all other types of contests gives decisions upon the ability of the people contesting, as painters, sculptors,

poets, writers, road builders, engineers, etc., etc. The proper basis for a decision in regard to the *ability of a debater* is not even in actual life whether or not he wins his case. The better lawyers are sometimes defeated, the better debaters are *sometimes* beaten in all fields. We should not come to our decisions in contest debates on the basis of whether or not the affirmative has established its case, established each of the vital sub-propositions inherent in its resolution, but upon the broad question of the ability of the contestants as debaters, considering all that goes to make good debating.

Exercises

1. Give the potential issues for each of five propositions used in Exercise 1, Chapter II, and indicate which you would admit if you were in charge of a negative case.

2. Give in the form of the outline in Exercise 1, "Stock issues," the analysis of each of five of the propositions used in Exercise 2, Chapter II.

3. Give the partition for a negative case on each of the propositions used in Exercise 2, and indicate which of the four types each belongs to.

CHAPTER IV

INVESTIGATION

A. Investigation necessary.
B. Sources.
    1. Printed material.
    2. Interviews and private letters.
    3. Personal observation.
C. Plan of study.
D. Notes.
E. Documentation.
F. Evidence and argument.
G. Think your evidence through.

A. *Investigation necessary.* An important part of the preparation for debate or public oral discussion is the investigation of the problem, the gathering of the material out of which the finished debate or discussion shall be evolved. It is usually necessary in investigating big questions not only to organize the results of our own personal experience and observation, but also to gather material from the records of the knowledge and experience of others. So here we mean by "investigation" all the interviews, all the personal observation and experiment, and all the reading, done for the purpose of learning about the field dealt with in the proposition, and of gathering material for constructive and rebuttal argument. It is the purpose of this chapter to give a few simple directions and

suggestions to be followed in this part of the preparation. It is necessary to investigate both sides, or at least to read and study both sides sufficiently to understand the whole bearing of the controversy, so that the suggestions that are to follow should be taken as applicable to reading on each side of a proposition for debate or the separate phases of a topic for oral discussion.

B. *Sources.* The sources to which one turns in gathering material are usually, first, books, periodicals, pamphlets, etc.; second, private conversations, interviews, public lectures, or private letters; and, third, personal observation and experiment.

1. *Printed material.* In regard to the first, when we are looking for information which can usually be found in the printed form, we turn to a library. In a well-organized library the student will find card catalogues of the books and periodicals available there, and will also find such publications as Poole's "Index," the "Annual Literary Index," etc., etc., in which he can find arranged in alphabetical order the periodical articles dealing with the subject in hand. If the student is not so situated that a personal visit to the library is possible, he should then correspond with a state circulating library, a university extension division, or other such service, in order that material may be obtained. If the student is working on an important question for public discussion which has been much written upon by

competent authorities, he should somehow or other gain access to the books, periodicals, and pamphlets which have dealt with that subject. If after a serious attempt it is found that access to such publications is impossible, then the proposition or subject should be dropped. Very often libraries, extension divisions, or other institutions, are able to furnish complete and up-to-date bibliographies on certain subjects. Such bibliographies may save a great deal of time that would otherwise be consumed in search for references in various indexes.

2. *Interviews and private letters.* In regard to the second type of source — conversations, interviews, lectures, and private letters — two warnings should be given: First, do not gather such material from any except *persons who know,* whose opinions and knowledge have genuine significance. Do not look for famous witnesses, but for well informed witnesses. The citing of a very distinguished citizen in regard to a matter concerning which he knows little, is stupid work. In the second place, do not presume too much upon the time and patience of busy men and women who consent to give you interviews, or to answer your letters. In your relations with such people be brief, be clear. Plan what you want very accurately before you make an attempt to get it. Be courteous; and if you write them, write short and accurate letters, and enclose postage.

3. *Personal observation.* As far as your own personal experiments and observations are concerned, there are two principal warnings to be given. First, be very painstaking and *accurate in your observations;* second, *make a very careful record,* if possible of such a nature that its accuracy can be checked up by opponents or other interested people.

C. *Plan of study.* Much time will be saved, and clearness and orderliness in the development of the case will be gained, if a definite plan of study is followed. The broad underlying principle which should guide the student in the study of any particular proposition or case should be: *Go from the general to the specific.* Start your reading on the broadest possible base. Choose, first, to read fundamental discussions of the problem or of the field in which the problem lies, such as usually will be found in *books.* It is a good plan to draw up a list of the books which you purpose actually to read, and read these first before turning to other sources of information. After you have read the books which bear on the subject, particularly those which deal with general principles and conditions, then move on to a selection of pamphlets or periodicals and read these. Here you will get probably not only further understanding of broad principles, but also points of contention pro and con, arguments on each side, and definite, concrete evidence which may

be used in your presentation. By this time the plan of case ought to be well developed, so that you know about what sort of material you must have to establish your contentions. If periodicals do not furnish precisely what is desired, the search may be continued into daily newspapers, private interviews, and personal observation experiment. Study carried on along these lines is practically sure to save time and to give a clearness and orderliness to the development of understanding and opinion which cannot possibly be gained by cursory, hit-or-miss reading which attempts to devour all material in the order in which it is discovered.

D. *Notes.* Of course it is impossible for any person to carry in mind the detailed results of a great deal of reading on an important subject. Some system of taking and preserving notes of the material discovered is absolutely necessary. There are two possibilities. One is the use of a notebook, and the other, the use of a card for note taking. Each has certain advantages and disadvantages.

1. *A notebook* is perhaps easier to carry, will preserve all the material without much danger of certain items being lost, admits of the insertions of large clippings, letters, etc., or even of drawings and photographs, and, finally, preserves all the material on a given subject in a given volume, which (if a substantial, well bound, notebook is chosen in the first place) may be properly labelled and put

away on one's shelves as a permanent volume of accurate information on a given subject. For some types of investigation these advantages of the notebook would perhaps outweigh its disadvantages, which are, principally, the difficulty of sorting and arranging material, of choosing certain items to take with you and leaving the remainder in your desk; the inability to add material at given points, bringing into conjunction notes on a single sub-topic gathered from different sources at different times; in short, inelasticity in working over the notes is the disadvantage which one suffers when notes are in a bound notebook.

2. *A card form.* On the whole, probably a card form for taking notes is most serviceable. The card form shown here is recommended as being particularly useful. Notes taken on such cards as this one are very easily handled. They can be shuffled and sorted, arranged and rearranged, without danger of permanent confusion. They can be filed in an ordinary card filing case, can be removed at will, new material on similar cards can be added at any point at any time, and thus the whole collection can grow indefinitely. It can be improved by having certain parts of it replaced from time to time as fresher and better material is discovered. It can be a continually changing and improving body of material without any disarrangement or confusion. Certain cards may be abstracted at any time and

taken out for a given lecture, talk, or debate, and afterwards put back in their proper places without any disadvantage. So it is probably well to say that unless there are very definite reasons why the notebook should be used, students should practice using a card form, and should accustom themselves to taking notes on cards. The following form is recommended in 4 x 6 inch size. If oral material is used, change headings to "speaker" and "where given," noting place and date.

Topic	*Writer*	*Where Found*
The Expert Judge of Debate.	Mr. L. R. Sarett, Univ. of Illinois.	*Quarterly Journal of Speech Education,* Vol. III, No. 2, p. 135.

E. *Documentation.* However notes are taken, the note taker should never forget to make *absolutely accurate records* of the source from which

the material is drawn. Accuracy in documentation means a complete filling out of the blank at the top of the card shown here. The subject dealt with, the writer quoted from, and the precise source where such writing is found, should be given on each card. Even though the same subject from the same source runs over from card to card, *complete documentation should be entered on every card* in order that there may be no confusion when the cards are sorted and rearranged. The principle which should guide in documenting notes should be this: Make every reference so accurate that another person finding your notes could locate the precise material in the shortest possible time. In other words, complete data as to the author, giving initials, even if his name is very well known, the publication, volume, number, and *page*. Any reference which stops short of the exact page number from which the material is taken is a faulty reference. If you leave out page numbers, neither yourself nor other people can quickly find the material when it is sought for at some later time.

F. *Evidence and argument.* It was said above that material should be gathered from both sides and from all phases of a proposition or subject for discussion. It should now be remarked that on each side we should, in general, look for material of two kinds: First, arguments; and second, evidence. By arguments is meant contentions,

points, statements of opinion, reasons. By evidence is meant facts which may be used to substantiate or prove the points, reasons, contentions, etc., which we call arguments. In other words, if you are reading a magazine article in which a writer is advocating federal ownership of coal mines, you should look for two things, and you should separate the two things and be able to deal with them in separate groups. First, you should look for this writer's beliefs, his opinions, his *reasons* for advocating federal ownership of coal mines, the statements which he would make in order to justify and back up his opinion — the points, in other words, which he might list in favor of his side. In the second place, you should look for the facts, the records of incidents, the statistics, the experiences upon which he bases his arguments which he uses to back up his contentions and to illustrate his points. This distinction between evidence and argument will be made clearer in Chapter V. It is a tremendously important distinction, and should be cleared up accurately and kept in mind in all work of an argumentative nature. Particular attention should be called here to the argument from authority discussed in the next chapter. Do not allude to everyone from whom you quote as an authority. Do not consider that you are using an argument from authority when you present ordinary evidence, or when you name or identify an ordinary witness.

Properly speaking, an argument from authority consists in using as evidence, *as a matter of fact* upon which you base an opinion, the statement that a certain person holds a certain opinion. A person so quoted should be especially qualified so that *his opinion* is of real significance in regard to the point to substantiate which it is offered.

G. *Think your evidence through.* Digest the information which you obtain. Relate it to what you have already obtained. Make it part of your own information and thinking. Do not gather opinions and satistics in a mechanical way, and present them to others in a mechanical way, without having taken them into your own thinking and modified them by the other knowledge which you have in mind. Think through your evidence as you gather it. Add it piece by piece to an accumulated fund of understood knowledge, so that your position in regard to the subject you are treating, and your whole case in regard to that subject, shall be a harmonious, unified whole, which shall represent not simply a conglomeration of other men's ideas, but an organized, thoughtful development of *your* ideas, of *your* information, *your* attitude toward the proposition or subject dealt with.

Exercise

1. Hand in at least twelve cards of notes on a single subject made out as directed in this chapter, giving material drawn from at least four different sources.

CHAPTER V

EVIDENCE

A. Definitions.
B. Fact and opinion.
C. Parallel column analysis.
D. Kinds of evidence.
    1. Direct or circumstantial.
    2. Real or personal.
    3. Original or hearsay.
    4. Negative evidence.
    5. Expert evidence.
        a. Argument from authority.
        b. Misuse of term "authority."
E. Tests of evidence.
    1. Tests of the quality of evidence.
        a. Consistent with known facts?
        b. Consistent with human experience?
        c. Consistent with itself?
        d. Can it pass the hearsay test?
            (I) Definite, unambiguous evidence?
            (II) Through satisfactory channels?
    2. Tests of the source of evidence.
        a. Ordinary witnesses.
            (I) Physically qualified?
            (II) Mentally qualified?
            (III) Morally qualified?
            (IV) Opportunity to learn truth?
        b. Expert witnesses.
            (I) Opinion evidence needed?
            (II) Witness qualified?
            (III) Authority recognized?

A. *Definitions.* When men in debate or discussion make statements that are not at once accepted,

or which they may fear will not be accepted, it is common to present *evidence* to prove that they are right. Certain facts are presented as evidence from which it may be inferred that the statements made are true. By evidence, then, is meant any matter of fact which may be used in generating proof. Reasoning or inference (or argument in one sense of the word) means a process of thought by which we evolve or substantiate conclusions not self-evident in the facts with which we deal.

It is important that in dealing with evidence and argument we distinguish between the evidence, i. e., the matter of fact from which we reason, and the reasoning in which we indulge. *Reasoning about facts is not evidence.* The term "proof" is used to cover the whole process of using evidence and argument for the purpose of establishing conclusions; so proof may be said to consist of evidence and argument. The word "proof" is sometimes used to mean the *result* or *effect* of argument, instead of simply the word covering the whole process. Using proof in this sense we might say that evidence is the raw material, argument or reasoning or inference is the process or method, and proof is the finished product.

B. *Fact and opinion.* When we say that evidence is any matter of fact, which may be used in generating proof, we are not limited to *admitted* matters of fact, or matters of fact which are gen-

erally known to be true, but to matters of *fact* as distinguished from matters of opinion. Thus it is a matter of fact that mince pie is used in New England as food. It is a matter of opinion whether or not mince pie is a better breakfast dish than buckwheat cakes. Whether A whipped B (in a given case) is a matter of fact. Whether or not he ought (under the circumstances) to have whipped B is a matter of opinion. The careful distinction between matters of fact and matters of opinion may frequently be observed in court rooms when witnesses are held to a bare recital of facts, what they saw or heard only, and strictly prohibited from using a word that shows simply *opinion,* as brutal, horrible, coarse, indecent, courteous, polite.

C. *Parallel column analysis.* An excellent device for enforcing proper analysis of our material is to take a full size sheet of paper, and divide it into three parallel columns. Write at the top of the first, "Argument"; at the top of the second, "Evidence"; at the top of the third, "Sources." Then put in the first column the points which you wish to urge in favor of your proposition. In the second column the evidence upon which you base these arguments, and in the third column the sources from which you get your information, the names of your witnesses, and the places in which you found out that the witnesses had made the statements you are attributing to them. Such an exercise will prob-

ably bring out more clearly than any discussion could, the essential difference between evidence and argument or inference. Of course we must remember that the word "argument" may be used in a number of different meanings; it may refer simply to an insolated inference, or mode of reasoning, to a whole debate, to an argumentative essay, or to other things.

D. *Kinds of evidence.* There is so much confusion in regard to classifications of evidence that it is probably well to explain the proper meanings of a few of the most ordinary terms which may be applied to evidence. In this classification there is no attempt to invent new terms or to give new, unauthorized definitions to old terms. The kinds of evidence, and the meaning of the various qualifying terms used, are essentially the same in all fields of thought. The meanings of the terms explained here are the same in law, in history, in natural science, and in all fields in which men investigate and argue and try to prove propositions by the use of something which they call evidence. It is true that the law has certain rules which we call rules of evidence, which do not apply outside of law courts. But the terms which are here defined and explained mean the same things in all fields, and should not be used anywhere in any meaning other than that given to them in this chapter. A reference to any authoritative discussion of evidence

in law, logic, rhetoric, or elsewhere, will demonstrate the truth of these remarks.

1. *Direct or circumstantial.* Evidence is either direct or circumstantial (indrect). Direct evidence is testimony which goes directly to the question at issue. For instance, if a man is accused of setting fire to a barn, and we have a witness who swears that he saw the accused set fire to the barn, then we have direct evidence. If a man is accused of making a certain remark, and we have a witness who swears that he heard the accused make the remark, then we have direct evidence. If in this first case we have a witness who swears that he saw the accused running away from the burning barn, we have indirect or circumstantial evidence that he is guilty of firing the barn. In the second case, if we have a witness who testifies that he heard some one make the remark and turning around saw the accused in heated conversation with two or three other men, or that he heard the accused say on the day before, something from which it might be inferred that the accused had made the remark in question, then we have indirect or circumstantial evidence that he made this remark. These terms "direct" and "indirect" indicate simply the relation of the evidence concerned to the proposition being tried out. It is therefore impossible to label any evidence direct or circumstantial without knowing what the proposi-

tion is. Circumstantial evidence or indirect evidence — the terms mean the same thing — is simply evidence of some circumstance from which we infer the existence of the fact in question, or from which we infer the truth or falsity of the main proposition.

2. *Real or personal.* Evidence is real or personal. Personal evidence is any evidence which is offered by the means of communication of thought from one person to another. Whenever a person testifies, we have personal evidence. Whenever a person says or writes that a thing is true, or writes a book in which he states that a thing is true, we have personal evidence. Real evidence is evidence which consists in the presentation of some matter directly to the senses of the people we are to judge. If the question is whether a certain lot of butter is spoiled, and some man examines it and goes into court and testifies that it is spoiled, we have personal evidence. If, instead of this, we bring the butter into court and offer it to the jury that they may taste it or smell it, we are offering real evidence. When you put on your coat in a court-room, in order to *show* that your tailor has done such a poor job that he is not entitled to pay for making the coat, you are offering real evidence. If you *told* the jury that it was so badly made that you could not wear it, you would be offering personal evidence. Persons may offer real evidence in

regard to any qualities which they have in common with *things*. When a person is exhibited in a courtroom in order that a jury may decide whether or not he is twenty-one years old, he is offering real evidence. When a person exhibits a wound to the jury to show how badly he is hurt, he is offering real evidence.

3. *Original or hearsay.* Evidence is either original or hearsay. Original evidence means simply first-hand evidence. Hearsay means second-hand evidence. Hearsay evidence is evidence which depends, in part at least, upon some other person beside the one offering the evidence. If A testifies that he saw B shoot C's cow, we have original evidence. If A testifies that M told him that B had shot C's cow, we have hearsay evidence. We need not here be concerned with the legal rule of evidence which declares in general that hearsay evidence is not *admissible*. Please notice that the legal rule does not declare that hearsay evidence is not logical or relevant. We are not here concerned either with this rule or the numerous exceptions to it recognized in legal procedure. But we may well take a warning from the law courts and examine with special care evidence that is ruled out in law. In general argumentation we should pay close attention to *the hearsay test,* which is mentioned later in this chapter. But hearsay evidence which can pass the twofold test for hearsay in general argu-

ment, is quite as useful as though it were original evidence. In fact, we all depend upon hearsay evidence every day of our lives, and much of the activity of mankind would be quite impossible if hearsay evidence were not accepted.

4. *Negative evidence.* The term "negative evidence" has been a common one in rhetorical treatises of evidence for a long time. Negative evidence does not mean evidence on the negative side, but simply *a significant absence of evidence.* We use negative evidence when we use *as evidence* the fact that evidence cannot be found. For instance, the fact that a given student's name cannot be found in a posted list of those who have passed a certain examination is used *as evidence* that he has not passed. This is negative evidence. The absence of campfires along a certain trail is used as evidence that another party has not preceded you along that route. The absence of any mention in the daily press of a great fire in the city of Chicago in June, 1900, is used as evidence that no great fire took place in that city during that month.

5. *Expert evidence.* There has been much confusion in the past in regard to the use of expert evidence in argumentation and debate outside of law courts. If we will borrow some hints from legal procedure, we can very easily clear up this situation. The law in general[1] does not permit an

[1] In rare instances "ordinary" witnesses are allowed to

ordinary witness to express his opinion. He is allowed to state what he saw, what he heard, etc., without characterizing it or expressing his opinion concerning whether or not it was justifiable, or honest, or dishonest. But the law in certain cases allows experts who are particularly qualified to understand certain circumstances to express *opinions* for the guidance of the jury; and so we have in law the term "opinion evidence" which means the evidence of some particularly qualified person who is allowed to express an opinion in regard to certain matters on which such opinion will be helpful to those who have to make a given decision.

A. *Argument from authority.* The proper use of expert evidence in argumentation outside of law courts should parallel this procedure. The term outside of law courts instead of being called "opinion evidence" is usually designated as "argument from authority." When you use an argument from authority, you are in effect using "opinion evidence," and it is evidence, strictly speaking, and not argument. When in a debate you cite the opinion of someone else on a matter, you are offering as a fact that Mr. "X" thinks so and so. This is worth while *only* when the fact that Mr. "X" thinks so and so will be accepted by the audience as

testify to opinions, and sometimes "expert witnesses" testify concerning facts.

a *significant fact.* In the use of this type of evidence, we should be sure that we are dealing with a case in which opinion evidence is significant, that is, a case in which one man's opinion is not as good as another's, a case in which those who are to decide will have difficulty in understanding and interpreting certain facts unless some singularly qualified person is allowed to give them his opinion. So when we are dealing with questions like tariff, national defense, or treatment of certain diseases, we may very well call in experienced men in these fields, and ask them to give us the benefit of their opinions. But if we are dealing with such questions as to whether or not a given town should build a new high school or should vote wet or dry, and similar questions of every day life, we have little use for the opinions of experts. It is true that there may be certain people who on account of their activities are especially well qualified to give *information* in regard to these questions, but the information which they give is not opinion evidence. They are simply ordinary witnesses who meet the tests all ordinary witnesses have to meet, namely, an opportunity for finding out the facts which they presume to present.

B. *Misuse of term "authority."* It should be carefully borne in mind that when we document our statements, when we tell where we found our information, and identify our witnesses, that we are

not using argument from authority. The mistake has been made in some text-books to treat all witnesses as though they were *authorities*. This, of course, is a quite unjustifiable use of the term "authority." A farmer who testifies concerning an accident on the highway is not an authority, and you are not using argument from authority when you identify your witness, and tell where you found out that he gave this testimony. If a chief justice of the Supreme Court of the United States testifies that the state of New York passed a certain statute in 1899, and you bring out this remark of his in the debate, you are not using an argument from authority. He is an "ordinary" witness testifying to an "ordinary" fact, and he is to be classed as an ordinary witness. You gain nothing whatever from proving this fact through the mouth of the Chief Justice of the United States that you would not gain by proving it from any other honest man who had an opportunity to find out that what he was telling was true. But if the Chief Justice of the Supreme Court of the United States testifies that he does not believe that a certain act passed by Congress would be constitutional, then you are using an argument from authority, you are giving the opinion of an expert, a man who is particularly qualified to express an opinion on a matter on which a layman's opinion would be of little importance. The test given further on for expert wit-

nesses should be very carefully applied whenever in general argument we use the argument from authority.

E. *Tests of evidence.* Whether we are using evidence in a formal debate in endeavoring to uphold or attack an unamendable proposition, or using it in a less formal discussion of a topic, the tests of evidence are the same. In all discussions that have any argumentative end whatever, it is usually necessary to back up our contentions with evidence. In deciding what evidence we ourselves should use or in determining how best to attack the evidence of those who are contending against us, we need to know the common tests of evidence. Such tests are best understood if considered in two groups.

1. *Tests of the quality of evidence itself.* In this group we test, not the source from which the evidence comes, but the quality of the evidence as distinct from its source. The following well-known tests should always be applied.

a. *Is the evidence consistent with known facts?* Whenever we introduce evidence into a discussion of a question, and some facts are already known and admitted on all sides, we ought to test our evidence by its consistency with such known facts. If the evidence is inconsistent with known facts, it is practically worthless, unless it is so strong as to cancel or throw out facts that had been heretofore

considered to be true. We cannot maintain in our discussion at the same time seriously inconsistent facts. The new evidence presented must harmonize with the known and admitted evidence up to date, or it must be so strong that it will overthrow the earlier admitted facts and the latter will drop out of the case and receive no further consideration.

b. *Is the evidence consistent with ordinary human experience?* We talk to audiences, juries, boards of judges in terms of their known experience if we talk to them effectively. People in an audience will usually not understand, to say nothing of believe in, evidence which is inconsistent with human experience as they know it. Evidence which to be understood or accepted requires a knowledge of certain phases of human experience which are unknown to a given audience, will not be accepted by that audience unless the way for such acceptance is carefully prepared. Men will be very slow to believe anything which seems to them contrary to human experience as they know it. Therefore, whenever we have evidence that we believe and wish others to believe, which is so contrary, we should recognize this fact and prepare the audience for the acceptance of this evidence with the utmost care. Of course unless absolutely necessary, we should not use evidence which is contrary to human experience as understood by our audience. But in

all cases we should remember that any evidence that is contrary to the experience of the listener will practically be disregarded, and it is waste of time to present such evidence unless we first prepare for its acceptance.

c. *Is the evidence consistent with itself?* This is so self-evident that it needs little more than bare mentioning to serve as a reminder to experienced debaters. Be sure that the evidence that is presented will "hang together." If an opponent can point out that your evidence fights with itself, you will have much difficulty in explaining such a situation without losing tremendously with your hearers. You may successfully contend against what has been previously accepted as a known fact, you may demonstrate to the audience that what at first may seem inconsistent with human experience, is not really so. You may do both of these things and increase your prestige with your audience by so doing. However, if you are called upon to explain an inconsistency between one part of your own evidence and another part of your own evidence you are sure to lose with your audience. All that you present to your audience should be tested to see that it is harmonious and to see that the evidence is consistent with itself.

d. *Can it pass the hearsay test?* Hearsay evidence has been already defined and reference has been made to the fact that in legal procedure we

have a general rule, excluding all hearsay evidence and then have a number of well defined exceptions to that rule. In the law courts all hearsay evidence is inadmissible unless it comes under one of the recognized exceptions. It is not desirable here to go into the discussions of the reasons for this situation in law. Suffice it to say that here, as throughout the entire system of the law of evidence, we are dealing with rules of legal admissibility, which are not designed to test the relevancy or logical sufficiency of the evidence considered. In general argumentation outside of law courts, we have no rules of admissibility other than principles of logic and common sense; so that we cannot exclude *by rule* any hearsay evidence when our discussions are not carried on in court. But it has been well said that what the courts exclude we should scrutinize with great care, and this is particularly applicable to hearsay evidence. Hearsay evidence is second-hand evidence. It is matter which has been handed around from mind to mind, has passed through processes of impression and expression, each of which offers possibilities for modifications and inaccuracies. In general argument and debate, therefore, we should test all hearsay evidence in order to determine as accurately as possible its dependability.

The hearsay test divides itself into two parts. First we must ask, is *the evidence itself* of such a

nature that it is probable that it can be handed about from person to person without undergoing considerable change? For instance, if the evidence is distinct, definite, unambiguous statement of fact. such as that John Jones died Monday of pneumonia, we may put greater confidence in it than if it is a vague indefinite rumor and expressed in words which may mean one thing to one person and something else to another. Such, for instance, as a report concerning financial condition, the morality of, the manners of, some individual or family. In other words, definite, unambiguous statements which are likely to pass from person to person without undergoing change are accepted as hearsay evidence, and statements of such nature that they are quite likely to undergo serious change as they pass from person to person are wholly unacceptable as hearsay evidence.

The second part of the hearsay test requires that the hearsay evidence in order to be good evidence must come *through satisfactory channels.* The hearsay channel is satisfactory when it is composed of a reasonably limited number of accurate, dependable minds. When a careful, accurate, thoughtful citizen reports something which has been told by another man to a third of the same general character, we must not throw this statement out because it is hearsay. While if the report came to us through careless, thoughtless, illiterate, untrained

minds, we would probably wish to verify it before being guided by it. Of course every day of our lives we act upon hearsay evidence regarding definite matters of fact which are reported to us through acceptable channels.

2. *Tests of the source of evidence.* The second general group of the tests of evidence deals with the testing of the source of evidence rather than testing the quality of the evidence itself. Evidence is derived from persons, documents, and things. Evidence derived from things, real evidence, does not need to be tested for source, because the judge has the original sources before him. Documents such as contracts, wills, notes, mortgages, etc., offer documentary evidence of the statements contained in them and if tested at all in regard to source, the test is one looking directly to their *authenticity* which is not worth our while to consider further here. The great body of evidence with which the people for whom this discussion is prepared, will be concerned is the evidence which has some person as its source. A person used as a source of evidence, whether on a formal witness stand in court, or quoted as the author of certain statements taken from a book, magazine, or lecture, is a "witness."

A book or magazine article which a given man has written is simply his personal testimony and should be put to precisely the same tests of evidence that we would apply to his oral testimony. A book or

a letter or manuscript does not present documentary evidence of the facts contained in it. It presents only the personal evidence of the author, but such a book or manuscript or letter offers documentary evidence that the author wrote the statements which it contains. Witnesses, or personal sources of evidence, with which we are principally concerned here, are divided into two classes, ordinary and expert.

a. *Ordinary witnesses.* An ordinary witness is one who does not speak as expert authority on some subject concerning which the ordinary layman is not supposed to have a significant opinion. In the court room, the ordinary witness is usually permitted to testify only to facts. He is not allowed as a usual thing to express an opinion or to characterize in any way the words or actions of people concerning whom he is testifying. He is required to tell literally what he saw and what he heard. There are occasionally situations in which the ordinary layman witness is allowed to express opinion, but these are definite exceptions to common procedure. The regular tests of ordinary witness are four.

(I) *Is the witness physically qualified?* This is a very simple test and may probably not concern most of the users in this discussion. Of course it is obvious that the testimony of a color-blind witness as to the color of lights shown in a rail-

road yard, is of no importance. The testimony of a deaf man concerning the ringing of bells and blowing of whistles, is of little importance. In every possible instance if it can be shown that a witness is physically unable to ascertain the facts concerning which he is giving testimony, his testimony will usually be completely disregarded.

(II) *Is the witness mentally qualified?* A man who cannot understand what was going on in a given place would not be a satisfactory witness concerning such events. A man who could not understand French is of no use as a witness concerning details of a controversy between two men who were talking French. A weak-minded person would be an untrustworthy witness for reporting things which happened quickly and with considerable confusion. So if in any way we can show that a given witness is mentally incapable of getting and reporting accurate impressions, his evidence will be given little weight.

(III) *Is the witness morally qualified?* This means practically the applications of two tests.

First, is the witness generally morally untrustworthy? Does his report concerning any matter have to be taken with considerable caution? And, second, is he disqualified in this particular case though not on any general grounds? In other words, is his interest in the outcome of *this* case so great that it might interfere with his moral judg-

ment? Obviously the testimony of a man who has no tremendous stake in a given controversy is more dependable on this score than the testimony of a person who has a great deal at stake. By this I do not wish to be understood to say that we should not trust prejudiced witnesses. As a matter of fact, practically all witnesses on practically all cases are prejudiced to a greater or less degree. It is difficult to find an important case coming up for discussion, towards which any well informed individual will have no personal attitude or prejudice. This does not mean he will have a disqualifying prejudice, he may be quite open minded and be able to investigate impartially and accurately. We should test our witnesses on this point with this consideration in mind, and should not look for a complete absence of prejudices which can usually be found only as an accompaniment to complete absence of information. The wholly unprejudiced people in regard to any case are usually only the totally ignorant.

(IV) *Did the witness have an opportunity to learn the truth?* The most important test of an ordinary witness is perhaps the test of his opportunity to find out the truth which he presumed to report. "Did this witness have an opportunity to learn what he here testifies to?" is a very vital test indeed. The specific methods in which this

test will be applied under different circumstances need not be gone into here. It is enough to say that we should never accept the testimony of any person in regard to anything until we are satisfied that such a person has had an opportunity to find out the truth concerning the matter about which the testimony is given.

b. *Expert witnesses.* An expert witness has already been discussed to a certain extent under the title of opinion evidence in the first part of this chapter. In the court room the expert witness is a witness who is allowed to give opinion evidence. It is true that the expert witness sometimes testifies to fact as well as to opinion, but the real consideration which sets him off from the ordinary witness is that he is privileged to state opinions while the ordinary witness is not. The expert witness is allowed to give opinion evidence concerning matters in which the jury need information or interpretation from some specially trained observer, in order to help them to understand the matter under consideration.

In general argumentation we should follow very closely the procedure of the court in regard to this type of witness. Expert testimony and opinion evidence in law is paralleled outside the courtroom by what is called "argument from authority." The expert is cited as the authority whose opinion is

given concerning the matter being discussed. Under such circumstances we should apply three tests very rigidly.

(I) *Is the opinion of an expert or authority needed?* Is it worth while? Are we dealing with a question on which the ordinary layman needs to be guided expertly in order to reach an intelligent decision? In other words, have we a case of such a technical nature that the opinions of specialists ought to be given great weight? We obviously have such cases when we are dealing with intricate questions of disease, education, sanitation, or problems of law, finance, or engineering. We have no such cases when we are dealing with liquor regulation, woman suffrage, advisability of building a new high school, and other cases of this sort. Under these questions it is true that minor questions may rise on which we may ask *information* from an expert. It is true that there may be people who are especially qualified to testify concerning *facts,* because they have had an unusual opportunity to learn the facts. But such testimony is not *an argument from authority* and does not require any testing not applied to the testing of an ordinary witness mentioned above. The argument from authority is essentially saying, "We ought to do this *because Dr. So-and-so is of the opinion that it should be done.*" When we say, "We ought to do this because Dr. So-and-so says that these

facts are true," we are not using argument from authority. We are simply using ordinary testimony as to facts discovered by our witness. In general argumentation we should not use argument from authority on questions concerning which men wish to make up their own independent opinions on the basis of facts presented to them.

(II) *Is the authority qualified?* The second test looks to the qualification of the authority used. Here we must avoid falling into the fallacy of inferring that a man is an authority in a given case because he is a *distinguished man,* or because he is an authority on something else. Because a man is a distinguished scientist does not make him an authority on a question in ethics, literature, philosophy, or other fields. Great economists should be cited as authorities on nothing but economic questions. Be sure your authority is qualified in regard to the specific problem on which you are citing *his opinion as a reason why other men* should believe or act in a certain way.

(III) *Is this authority recognized* by this audience or tribunal as a duly qualified expert? This is a most important test. Regardless of your opinion of his qualifications, he is satisfactory as authority only if he is accepted as such by the people whom you are addressing. The audience is always the final judge of the qualification of the authority. If for any reason your hearers will re-

fuse to accept a given authority, you will be better off if you do not present him to them. Whether or not he is qualified to speak on the matter in question is quite beside the point unless you are talking to people who will accept him as one qualified.

One of the principal weaknesses of most public contest debate and discussion is the very frequent use of authorities who do not meet these tests. In school debates there is too much use of "authorities" on questions concerning which the opinions of men cited are of no more significance than the opinions of the debaters or the people in the audience. The citing of alleged authorities who on examination turn out to be simply prominent men and not authorities in the field in which the argument lies, is the most frequent blunder committed under this head. Very often, also, authorities are introduced without taking the slightest care to prepare the way for them, so that the audience will accept them as satisfactory experts. If your authority is not well known, it will usually be possible for you to explain a few things about him, so that the audience will accept him as a qualified expert. It is only when these three tests are carefully applied that the use of authorities in public discussion is significant and worth while. When they are not applied, the use of such authorities is at best a tiresome, weak, and uninteresting method of argument, and at worst is a serious affront to the

people addressed. You are in effect asking them to take a certain position on your case because some other person has taken that position, when the opinion of this other person is of no more importance than the opinion of anybody else.

Exercises

1. Hand in a half column editorial clipped from the daily press, accompanied by a parallel column analysis showing all of the material in the editorial arranged in columns of argument, evidence, and sources of information.

2. Hand in three short clippings containing ordinary evidence, and three containing expert evidence, from current newspapers, magazines, etc.

3. Give (a) a single item of evidence that is personal, circumstantial, and original; (b) one which is negative, real, circumstantial; (c) one which is direct, hearsay, personal; (d) one which is hearsay, circumstantial, expert.

CHAPTER VI

REASONING

A. Reasoning and evidence.
B. Methods of attack necessary.
C. Classifications of reasoning or forms of argument.
    1. Antecedent probability.
        a. Methods of attack.
            (I) Connection complete?
            (II) Cause sufficient?
            (III) Cut off by some other cause?
            (IV) Substitute argument?
    2. Sign.
        a. Effect to cause.
            (I) Methods of attack.
                (A) Some other cause?
                (B) Cause capable?
                (C) Connection complete?
        b. Effect to effect.
            (I) Methods of attack.
        c. Association.
            (I) Methods of attack.
    3. Example.
        a. Generalization.
            (I) Methods of attack.
                (A) Fair specimens?
                (B) Enough specimens?
        b. Analogy.
            (I) Figurative.
            (II) Literal.
            (III) Methods of attack.

A. *Reasoning and evidence.* Gathering together evidence, or matters of fact, or opinion, with which to substantiate our proposition or back up

our position in public discussion is but a part of the work. Not everyone who can gather evidence is capable of making the proper use of evidence, or drawing legitimate inferences from evidence. We are now turning our attention to a few of the most practical observations which can be made on the subject of *reasoning about the evidence* which we may gather for any particular proposition. Enough has probably already been said in this discussion so that we need not pause here to dwell longer on the difference between evidence on the one hand, and reasoning or argument on the other. It may be well, however, to suggest here again the advantage that can be gained from exercises in parallel column organization of a complete case, or a section of a case, arranging the argument (or inference, or contention) in one column, the evidence (or matters of fact upon which the reasoning rests) in the second column, and the names of the witnesses (or sources of the evidence) in the third column. Until a person is thoroughly acquainted with these three elements of a case and is quite at home in his handling of each of these elements, he is not well prepared for public discussion or debate on his chosen subject.

B. *Methods of attack necessary.* It is necessary for purposes of debate and public discussion not only that we shall understand the names of different types of argument, but that we shall be able

to attack, to refute and expose, weak arguments and unsound argument which we may be called upon to contend against. It is well to understand the nature of the arguments which we wish to refute and the definite methods by which the weaknesses of the arguments may be made plain to others. For our own purposes, perhaps it would be sufficient if we could discern a weakness in a weak argument when we meet it, but if we are concerned with presenting our case on the platform and keeping other people from being led astray by improper arguments, it will not be enough to feel certain that the argument is unsound, but it will be necessary for us to be able to make others see that it is unsound. If you will imagine a speaker standing before an audience in a public discussion or debate, and telling his audience that he knows that the arguments of his opponent are unsound, but that he cannot explain what is the matter with them, you can at once realize the necessity of being able to pick a weak argument to pieces, and to show an audience exactly why it is an unsatisfactory basis for opinion. In this chapter, therefore, we shall present under each type of argument the regular methods of attack appropriate to that type.

C. *Classifications of reasoning or forms of argument.* The possible classifications of reasoning, or inference, or forms of argument, are many. It seems, however, best worth while in this particular

discussion to present only the classification common in rhetoric, and to omit a discussion of reasoning according to the classifications and terminology of logic. According to the classification which seems to us most useful for our present purposes, forms of argument or reasoning are classified in three general divisions — *antecedent probability, sign,* and *example.*

1. *Antecedent probability.* The name of the first, antecedent probability, is a very old label which may sound rather formidable to those unfamiliar with it, but which is used because it is a very specific label indeed. In this form of reasoning we start with a known fact, from which we infer that something else has happened, or will happen. We treat this first, known fact as *the cause,* and argue from it an unknown or disputed *effect.* We argue that that which we have before us, the known fact, is an antecedent from which the disputed fact *will probably follow, or has already followed.* The existence of this known fact makes it antecedently probable that the disputed fact does exist or will exist. It is an argument which always travels *forward* along the line of *cause to effect;* as when we argue that a severe storm will result from the clouds which we see in the sky, taking the clouds as a cause of the coming storm; or when we argue from the coldness of the night that the vegetables will freeze; or from the fact that a child has

been exposed to measles, that it will soon have the disease; or from the fact that the school house has been badly damaged by fire that we will have a new school building.

a. *Methods of attack.* There are four well-recognized modes of attacking the argument from antecedent probability.

(I) The first question to ask in regard to such an argument is, *"Is the connection of cause to effect complete?"* Is there a break or a missing link in the chain of causal connection? Unless it is true that each necessary step is present between the infection of a spring with typhoid fever germs and the consumption of water from that spring by the person under discussion, one can not make much of an antecedent probability argument. For instance, if you know that the well of a certain house was infected on the first of July, can you argue that the people living in the house during the month of July will have the typhoid fever? All the necessary steps in the chain, such as access to the well, the use of the water, etc., will have to be present if a cause to effect argument is to pass muster in this instance. And so in every case of an argument from antecedent probability, one of the tests is to follow through all the necessary steps from the known cause to the unknown effect which you are trying to substantiate, and see if every essential

step is present, see if the chain is complete in every respect.

(II) *Is the cause sufficient to produce the effect in question?* Could such a little cause be the real cause of such a great effect? The application of this attack is simply to demonstrate the disproportion between the known cause and the unknown effect which is alleged to have arisen, or to be going to arise, from this known effect. The argument that "A" will probably kill "B" when they meet to-morrow because of a quarrel which they had yesterday may be very well attacked in this manner by showing that the quarrel is altogether too insignificant to result in murder.

(III) *Did some other cause operate to prevent the normal action of the known cause under discussion?* Was the water from the infected well boiled? Or had the people been vaccinated for typhoid? Has an antidote been applied? If you argue that because a certain man took poison yesterday morning he must be dead by this time, the argument may be answered by showing that an antidote has been administered, or probably has been administered, in order to cut off the normal action of the known cause. So we apply this test in all argument of this type when we wish to show that in spite of the natural strength of the cause and effect connection in the antecedent probability

argument, as a matter of fact this has been turned aside by the operation of some other cause.

(IV) *Is there an entirely different argument from cause and effect that should be substituted for the one advanced?* For instance, suppose a lawyer in a criminal trial is endeavoring to convict A of the murder of B, and argues from the fact that A knew that he would inherit $10,000 on the death of B that A probably killed B. He uses this as A's motive. This is the known fact or cause which he is using in an antecedent probability argument. Notice that he is not trying to prove from this fact that B is dead, but that A is a murderer. As guilt is the unknown effect which he is arguing follows from this known cause, A's motive, his knowledge that he would inherit $10,000 on the death of B. This argument is attacked very successfully by showing that as a matter of fact C knew he would inherit $1,000,000 on the death of B. This might not dispose of the case against A, but it is a very satisfactory answer to this particular antecedent probability argument as far as it can be said to stand alone. In other words, *other things being equal,* a million dollar motive is much more potent than a ten thousand dollar motive. If all that you had to hold A on should be this question of motive, bringing up the $10,000 as against the $1,000,000, C would probably be held and A would be released. So even when the antecedent argu-

ment is being used to establish some fact which needs to be established in order to explain some further situation, which is the case here, we may attack it very effectively by showing that another argument of the same general nature but actually much stronger is really available, and we offer it as a complete substitute for the argument which we wish to have dropped.

2. *Sign.* The second type of argument with which we have to deal is the argument from sign. Here the known fact is taken as the sign of the unknown fact. One thing is used as the sign of another. This argument has three divisions — *effect to cause, effect to effect, and association.*

a. *Effect to cause.* This is the exact opposite of the one from antecedent probability. Here instead of using a known fact as the cause of the effect which we wish to infer, we use it as an effect of the cause whose existence we wish to establish. We say that ice in the water pail shows that it was below freezing last night. The ice is the effect of the low temperature, and we infer the fact that the temperature has been low from the fact that the ice has formed. So we argue from the fact that people who have been drinking water out of a certain spring are all ill, that the water in the spring is impure. We argue the impurity of the water from the effect which it had upon people who drank it. Their illness is the result of the

bad water, and our reasoning proceeds *back along the line of causal connection* from a known *effect* to an unknown or disputed *cause.*

(I) *Methods of attack.* There are three recognized attacks on this type of argument. (A) One might show that the effect is *due to some other cause* than the one alleged. Attack the argument by showing that these people have been not only drinking water from this spring, but they have all been eating certain food which may have been the cause, or they have all been in the atmosphere of an underground mine which may have caused their illness, or in other ways try to explain the known effect by showing that it arises from other causes than the one alleged.

(B) *Is the alleged cause capable of having the effect of the effect in question?* Remember that the effect is known, that we start with something that has happened and argue that something else must be true or must have happened because it is the cause of that which we know. A house is burned, and someone argues from that fact that the electric wiring in it must have been defective. He argues that defective wiring is the explanation of the known effect of the fire. This may be attacked by showing that the house seemed to break out in flames at a number of points at the same time. In other words, the great simultaneous conflagration that swept over the house is unsatis-

factorily explained by the defective electric wiring. The alleged cause seemed incapable of producing the known effect on which the argument is based. In some way under this test we show that the alleged cause is too weak, too small, too insignificant to cause the known effect.

(C) *Is the cause and effect connection complete?* This is the same test which has already been applied to the argument from antecedent probability. Of course, when a single link is missing in the chain of causal connection, it is impossible to travel either up or down the chain in either direction. If any necessary step in the connection between the effect and the alleged cause can be shown to be missing, the argument necessarily falls. When it is attempted to prove from the fact that a man has been badly beaten, that a given person did it, it may be shown that some necessary factors were lacking, such as opportunity or ability to do what was done.

b. *Effect to effect.* The second type of argument from sign is the argument from effect to effect. We see one thing and hail it as a sign of another thing, not when it is either the cause of that other thing or the effect of that other thing, but when it arises from a cause which we argue will also cause the other effect whose existence we wish to prove. When we argue that the vegetables will be frozen in the morning from the fact that the

thermometer outside the window registers 20 degrees, we are using this type of argument. The thermometer does not freeze the vegetables, nor do the freezing vegetables in any way affect the thermometer. But the registering of the thermometer and the freezing of the vegetables are both effects of the same cause, the low temperature, so when we argue the one from the other, we are arguing from effect to effect of a common cause.

(I) *Methods of attack.* This argument when analyzed is found essentially to be a combination of the two forms of argument already discussed, namely: an argument from sign, from the observed effect back to the common cause, which is established by the type of argument we have just discussed, and then an argument from this common cause to the effect alleged by antecedent probability. It follows, therefore, that the attacks upon this argument are those already given for the two types of argument already discussed.

c. *Association.* The third type of argument from sign is called the argument from association, or from the association of phenomena in the past. In this argument, without thinking in terms of cause and effect, or following out lines of causal connection, we simply see one thing and treat it as the sign of something else because we have been accustomed to seeing the two go together. So on

seeing a given dog, we infer the presence of his master. On seeing a friend's hat in our hall as we enter the house, we jump to the conclusion that our friend is there. The inferences usually drawn from a half-masted flag, crêpe on a door, rice and confetti scattered about the entrance to a house, etc., etc., are all arguments of this type. These arguments are not very strong standing by themselves, because it is always so possible that the dog is following some other man than his master; that someone else has borrowed your friend's hat, or your friend's horse, or your friend's coat; that the flag, or the crêpe, or the rice and confetti are the result of accident, or practical jokes. This type of argument, while unsatisfactory when standing alone, is really quite significant as corroborative evidence. The finding of a man's hat, or horse, or dog near the scene of a crime of which he is already suspected for other reasons, is a serious addition to the case against him. The strength of the argument lies in the unexpressed generalization which is always to be found at the basis of our argument from association. We have seen the two things together so often that we act on an unexpressed general rule that where one is the other is also.

(I) *The methods of attack* are essentially those of generalization. The argument can be answered by showing that the instances in which this dog

and this man have been seen together are too few to establish the rule that the presence of one means the presence of the other, or that the dog has been seen with other men at certain times. Establishing the fact that the exchanging of hats, horses, bicycles, is a common thing among the people concerned, or by destroying the corroborative function of the argument by showing that instead of corroborating an already established case, it is actually inconsistent with facts already known, is effective refutation.

3. *Example.* The third general type of arguments are those from example. Arguments from example are arguments which depend for their strength upon the resemblance between the case in question and some other case or cases. Arguments from example are classified under two heads, those by generalization, and those by analogy.

a. *Generalization.* The argument by generalization consists of the promulgation of a general rule from a study of specific examples, and then the application of this general rule to the point in question. Hasty generalization is one of the commonest faults in discussion. When we accuse one of hasty generalization, we mean that he has established his general rule without sufficient study. Generalizations concerning the character of people attending a certain school or college, the inhabitants of a certain city or state, the members of a

certain club, or racial group, or political party, which are based principally upon experience with one or two individuals, are all examples of hasty generalization. When a very careful examination of a large number of people, in a given institution or group is made, then the result may be stated as a general rule which will, on the whole, apply fairly to members of that institution or group. This is an example of sound generalization.

(I) *Methods of attack.* There are then, clearly, two methods of attack upon this type of argument.

(A) *Are the specimens* upon which the generalization is based *fair specimens* in regard to the point in issue? It is usually possible for an unfair or dishonest propagandist to choose unfair specimens in regard to the point in issue, and return from the specimens chosen (which he knew in advance would be favorable to the side he represents) a conclusion on the general subject, a generalization for a whole situation. For instance, one may say that in a school of 400 or 500 students, he asked 100 students whether they approved a certain measure, and that 99 out of the 100 answered yes, and from this he would make a generalization to the effect that the students of that school are practically unanimous in supporting the cause under discussion. If the question happens to concern a particular situation or association, and there are 100 students out of 500 who are inter-

ested in this particular situation or association, and the 100 members he asked were the 100 members interested in the question, it is clear that his specimens are unfair, and that his results are entirely unsatisfactory as a basis of any conclusion in regard to the school. So if the question arises in regard to fraternities, and the generalization be based upon 100 or 200, all from a known fraternity group (or a known non-fraternity group), it is an unfair generalization, a dishonest mode of argument, and is truly worthless as a basis for a generalization in regard to the attitude of the student body on the question under discussion. Unless fair specimens are chosen for examination, a generalization resulting from the study of these specimens is wholly untrustworthy. It is dishonesty of this kind in generalization which is the most difficult to see, and a worthless generalization of this sort is the easiest for investigators to make, and to make with considerable plausibility. So whenever there is a generalization to be made, either by yourself or some one else, you should be very sure that the specimens upon which the generalization is based are fair specimens in regard to the point covered.

B. *Enough specimens.* The second test of generalization is, "*Has a large enough part of the class been observed* to justify an inference regarding the whole class, or the unobserved part of it?" Choosing perfectly fair specimens from among a

given group does not make your generalization good. You must also have a *sufficient* part. The opinion of a dozen *representative* students out of 1000 is a very weak basis upon which to generalize concerning the opinion of the whole group. The manners or morality of a half-dozen students of a given institution is a very unsatisfactory basis for a generalization regarding 500 students. Unless the generalization is based upon a sufficiently large part of the class, it is quite untrustworthy. In some fields of thought generalization is sound when drawn from a smaller number of instances than would be allowable in other fields. For instance, in a physical or chemical laboratory, an experiment may be performed with such care and the result obtained with such accuracy of observation, that it will establish a rule for that particular problem for all time. One can make a *generalization* from this single experiment with practically no possibility of being led astray thereby. This would be generalizing from a single instance. It may be perfectly allowable in physics or chemistry or other *fields in which inanimate material reacts according to universal laws.* From such cases we may move through the whole scale to fields in which we generalize concerning problems where the number of cases necessary for a sound generalization must be very great indeed, and even then about all we can hope for is a high degree of probability. This sit-

uation always obtains when we are trying to generalize about matters affected by human will, emotions, tastes, desires, ambitions. It is so difficult to be sure that some particular individual, some particular human being, is going to react to a certain influence and environment exactly as hundreds of others have acted. It may be highly probable, but it is hardly certain. Of course a human being will react precisely like inanimate material in regard to certain physical qualities which he possesses in common with inanimate material. One experiment to show that a certain substance is a deadly poison to a human being would probably be sufficient to establish the rule for all time, though it is not necessarily true in all instances that what will poison one man will poison another. So we cannot have a generalization of our own to the effect that a certain percentage of cases must be examined to make a generalization sound, but each case must be decided according to the standards and circumstances controlling the field in which it lies. We may have all gradations from a *single instance* in chemistry establishing for all time a new law for the case in question, to at best a high degree of probability based upon a great number of instances in the field of human conduct.

b. *Analogy.* The second type of argument from example is called an analogy. Argument of this

sort is spoken of as of two kinds, figurative and literal.

(I) *The figurative analogy* is an analogy based upon cases which are not alike in themselves, but are alike in the relations they bear to other things. We are dealing with a resemblance of relations, not with actual likeness between two examples. Analogy concerning the resemblance between the circulation of blood and circulation of money; the life of a man, and the life of a tree; the spread of ideas, and the spread of disease; a church and a mustard seed; etc., are all figurative analogies. A figurative analogy is often very useful as a method of *explanation,* it helps us to make clear what we have in mind. It is a very weak form of argument, because it is always possible to point out what is called a "false analogy," to show that the resemblances are not sufficiently parallel to warrant any conclusion. The ease with which false analogies may be brought out is so great that it is probably safest to have a general rule against using figurative analogy *as an argument* at all. But we should keep it in mind simply as a convenient help in exposition, as a means of making clear what our position is in regard to a subject, rather than as a means of getting someone else to agree with us in this position.

(II) *Literal analogy* is simply a generalization

from a single instance which has already been discussed. But some people apply the word analogy to this form of argument, and they show good precedent for such use of the term. For instance, a given student enters a university from a certain high school. He has studied English History five hours a week, for fifteen weeks, with a certain teacher, a certain textbook, and has passed the course with a certain mark. At the university, on this showing, he is allowed to enter an advanced course in English History. It is found later that he is quite unable to carry the work that this advanced course entails, and is forced to take more elementary work. The next year another student comes to the university from the same high school, and asks permission to take the same advanced course in history, on a record identical in all respects with that of the student just mentioned. The instructor in charge compares his record in the high school work with that of the student who found the advanced history work in the university too hard, and concludes from the fact that the cases agree in so many respects that they will agree in this particular respect,— inability to carry this advanced course in the university. On this basis, he refuses permission to the second student to take the advanced course. This type of argument would be called by some people an analogy; by others it would be called a generalization from a single instance,

and there is ample precedent for either position. It is a generalization from a single instance, because the instructor in substance establishes a general rule to the effect that any student with this record is unable to take the advanced course, and he applies that general rule to one student, or to a dozen as the circumstances may require. He is generalizing from a single instance. But also it is said that he has two cases which are alike in so many points that he concludes that they will be alike in the point in dispute, and this is one of the old, accepted definitions of analogy.

(III) *Methods of attack.* The proper tests of this form of argument are tests for generalization: Is the example on which he has based his decision a fair specimen, that is, are the cases sufficiently alike so that we may infer that if a larger number of specimens were examined, the generalization would be substantially the same? Is this a case in which we are justified in generalizing from a single instance? If it is, our argument is sound, and it does not matter greatly whether or not this is called a generalization from a single instance or a literal analogy.

Exercises

1. Hand in three examples of each of the following, indicating which method of attack best exposes the weakness of each.

a. Antecedent probability.

b. Effect to effect.
c. Effect to cause.
d. Association.
e. Generalization.
f. Literal analogy.
g. Figurative analogy.

CHAPTER VII

REFUTATION

A. Definition.
B. Affirmative and negative.
C. What to refute.
D. Phrasing refutation.
E. Time and place for refutation.
F. Rebuttal speeches.
G. New constructive argument in rebuttal.
H. Methods of refutation.
I. Preparation of refutation.

A. *Definitions.* The term "refutation" is applied to that part of an argument which is devoted to destroying the proofs of an opponent. The word "rebuttal" is very nearly synonymous, but is usually used to designate a special speech, the principal purpose of which is refutation. In other words, the term "refutation" as commonly used is a more general term than "rebuttal." It is usual to speak of refutation in a main speech, or refutation which is scattered along through a whole debate, and to refer to the second speech of any speaker, when his purpose is principally to attack the other side, as a rebuttal speech.

B. *Affirmative and negative.* The relation of the affirmative and negative to the whole problem of

refutation differs somewhat, as may be seen by reference to the chapter on analysis. It is the duty of the affirmative to establish the affirmative of the proposition. They carry the burden of proving it. It is the duty of the negative to prevent the affirmative from so establishing the proposition. Theirs is a burden of rebuttal; that is, they have a burden of rebuttal as soon as the affirmative have established a *prima facie* case. Sometimes the negative is justified in resting solely upon refutation, of devoting their entire energy to attacking the proofs of the affirmative. (See the first type of negative case, Chapter III.) The affirmative, of course, can never take this position. Their first duty is constructive proof, and refutation is to them incidental. Refutation is worth while to them only as clearing the way for their constructive case. On the side of the negative, constructive work is, in a sense, incidental, and its purpose is to offer something which will block the affirmative case. But even though fundamentally the attitude of the two sides toward the problems of refutation may thus differ, in the details of handling refutation, both sides have the same principles to observe and substantially the same work to do.

C. *The question of what to refute* in any case is one of first importance. Unless you choose to refute the proper things in the case of an opponent, you may well waste your efforts entirely, or even

worse, you may make your own position weaker than it really is, and so aid your opponent in establishing his contentions. The basis of refutation, the same as the basis of constructive work, should be a very careful analysis of the whole problem. Before you begin the work of refutation, you should know what constitutes the very heart of your opponent's position. It is necessary to know the issues and to know the relation of your opponent to the issues before you undertake to refute him. It often happens that an opponent, either through slovenly work or a desire not to make his position clear, omits analysis and partition, omits in fact any statement of exactly what is the basis of his case. In such a situation, before you begin refutation, you must analyze the contentions of the other side to find the big basic points upon which the case of your opponent depends. These points are the ones to be refuted. Taking note of all the little details of an opponent's speech, and then attempting to show him to be wrong in regard to twenty or thirty different points is rarely effective refutation. Sometimes, it is true, the mere accumulation of such a mass of error on the part of your opponent will make the audience doubt him completely and so turn from his contentions as a whole; but such a mass of details is tiresome to the audience, hard to follow, hard to grasp the significance of, and very often takes more time than you can have

at your disposal. So instead of noting down small details of error, you should seek out in the contentions of your opponent, the fundamental points upon which his whole case rests, remembering that if you can destroy one or more of the really vital elements of your opponent's case, his whole case is destroyed. Perhaps analogies will make this plain. If you wish to kill an animal, a shot in the heart or the brain will accomplish the purpose quickly and positively. It is not necessary to hack a creature to pieces in order to bring about death. In the same way it is not necessary to tear up every scrap of evidence and every contention of the other side in order to destroy his case as a whole. One or two well directed shots which will destroy vital considerations will leave the whole case dead. It is such shots that make good refutation. Or suppose your purpose is to sink a ship. It is not necessary to demolish the whole ship, to riddle it fore and aft with shots. One or two good holes below the water line will accomplish your full purpose. So in debate, aim to put a very few holes so big they cannot be repaired below the water line of your opponent's case and the case will go down. In other words, always attempt to show in refutation that your opponent is wrong in regard to one or more contentions upon which *it is necessary that he be right in order to establish his case.*

D. *In phrasing refutation* always make three

things clear to your opponents, audience, and judges. *First, show that the material you are giving is refutation and not constructive proof.* This may always be done by introducing refutation by such a phrase as, "In answer to the contention of my opponent that," etc. In some way or other make it perfectly clear that you are answering your opponent. A careful observance of this principle will keep you from indulging that most stupid and contemptible trick in debating — refuting straw men, refuting as contentions which your opponent had made points which, as a matter of fact, he did not make. In other words, do not refute anything which your opponent has not brought up in the debate, unless you do it frankly as anticipatory refutation, in which you make it clear that you are offering this in answer to something which you expect your opponent to say. There may be circumstances in which you feel quite sure that your opponent is going to make a certain contention, and you think that something would be gained by forestalling that. In such case, it is perfectly proper to tell your audience that you expect your opponent to argue so and so and that when he does, if he does, you would like to have them keep the following things in mind, etc. If you make it clear that you are offering this in answer to something which you expect will be said later, your position is perfectly sound. However, if you offer it as though

it were in answer to something that has been said, when, as a matter of fact, your opponent has not yet made such an argument, then your position is wholly unsound. It is dishonest and bungling work. Any judge is justified in drawing the conclusion that you have memorized a rebuttal to meet an imaginary case, and that you are not a good enough debater to wait until you hear what your opponent has to say and then answer that.

In the *second* place, in introducing refutation, *make perfectly clear the nature of the answer that you are giving.* This is a point that is missed altogether too often by inexperienced debaters. There are so many things that you may wish to urge in opposition to something in an opponent's case that you should be very careful to choose just what your answer is going to be and then let your audience know it. For instance, you may wish to show that evidence is *forged;* that it is *inaccurate;* that it is *insufficient;* that it is *irrelevant;* that it is *ambiguous;* that it is *false,* etc. Or you may wish to show that *inferences drawn from this evidence* are *illogical,* that the reasoning about the evidence is poor. There are a great variety of positions which you might take, all of which would be proper positions in refutation. Make it clear to your audience in the beginning just what your objection is to the particular contention that you are attempting to refute.

Then, in the *third* place, proceed by an orderly method to *do precisely what you said you were going to do.* If you have claimed that certain evidence offered by the other side is irrelevant, then show that it is irrelevant, and not that it is untrue. If you have claimed that the evidence is insufficient, then show that it is insufficient, and not that it comes from a questionable source. In all refutation think straight, and choose your words accurately.

E. *The time or place for refutation* is, in round terms, whatever time and place will do the most good. There are no rigid rules governing the time or place for refutation. Of course an affirmative cannot very well indulge in refutation until after the negative has had a chance to speak. But there is no reason why all the speakers on the negative and all the speakers except the first on the affirmative should not put refutation into their main speeches. As a matter of fact, the first affirmative may offer anticipatory refutation if he thinks it wise. The rule of brief drawing which says that refutation should be introduced at whatever point objections to one's case naturally arise, may be followed not only in the brief, but also in the outline, and in the give and take of the actual debate. At whatever point in your constructive speech something arises in your mind or in the mind of the audience which has been said by the negative, and

which serves as a hindrance to your speech at that point, proceed at once to refute that point of your opponent. Of course it is difficult to lay down absolute rules here. However, if the debater realizes that when he has a constructive duty to perform, no amount of refutation will take the place of that constructive duty, then he may well follow this principle that refutation may be introduced at any point.

F. *Rebuttal speeches.* In some debates specific rebuttal speeches are not made, each speaker introducing whatever refutation seems best to him in his main speech,— the only speech which he makes. In other debates, the affirmative has one short rebuttal speech after the negative case is completely closed. In other debates, and this rule is the most common in contest debating to-day, each speaker on each side comes to the platform a second time to give a rebuttal speech. Where this arrangement is followed the speakers would do well to make a clean-cut distinction between constructive work and rebuttal, and only such refutation as is absolutely necessary should be introduced into the main speeches. The main speeches should all be presented, and then the work or rebuttal should be taken up separately. If, however, during the course of such a debate an opponent has made a point which seems to stand clearly in the way, and you fear that it will prevent the audience from accept-

ing what you have to say, then you should either pause in your main speech to refute the contention of your opponent, or you should ask your audience to remain openminded on that point until you have had an opportunity to deal with it in rebuttal.

G. *New constructive argument* may not be presented in time set apart for rebuttal speeches in debate. This principle means that constructive speeches may not be simply continued in rebuttal speeches, important arguments may not be held back till too late to be answered by opponents. When the main speeches are over, the audience, judges, and opposing debaters should know your *case* and all of your arguments in favor of your side. In rebuttal speeches you may introduce any material to refute your opponents, either what they have said in favor of their side or against yours. So new *evidence* to bolster up points they have attacked, or to show them to be wrong in their own contentions is perfectly allowable. But new constructive *reasons* why your side is right may not be introduced into rebuttal speeches.

H. *In regard to methods of refutation,* it seems enough to say here that refutation should aim at either a criticism of evidence or a criticism of inference or reasoning. Make clear exactly what your objection is to what your opponent has said. Then if your objection is to his evidence — if his evidence fails to meet any of the tests of evidence as given

in Chapter V, show your audience precisely how his evidence fails to come up to the test. It is not necessary to repeat the tests of evidence here. If, on the other hand, your objection is to the inference which your opponent has drawn — if you object to the conclusions which he draws from his evidence,— then make that objection perfectly clear to the audience, and show how your opponent is arguing badly. Show that the cause and effect connection is unsatisfactory; show that the generalization is unwarranted; show that the analogy is false; show precisely how, and in what way, the reasoning of your opponent is at fault. The tests of the methods of the forms of argument and inference are given in Chapter VI. Again, it is not necessary to repeat them in this chapter. A review at this point of the tests of evidence and the tests of the forms of arguments will be most helpful. All good refutation is at the basis an attack on one or the other. If your analysis has been accurate, so that you have chosen the proper attack to make, and then if you will follow through the suggestions given above with perfect clearness and simplicity, you will be giving good refutation.

1. *The preparation of refutation* for any important debate is a work of first importance. Refutation *should always be prepared,* and refutation *should never be committed to memory.* In other words, you should anticipate while you are getting

up your debate or discussion the position which your opponent will take. If he has a choice of position, if your opponent may take one or two or three different stands on the question, then analyze each position, pick out the fundamental contentions which your opponent must make in order to establish each case. Then prepare notes and evidence for effective refutation of each possible case. With such notes and evidence readily available, perhaps in a small card index filing box, you ought to be ready to meet your opponent on any phase of the case which he wishes to discuss. If you attempt to plan a single rebuttal speech, say of five minutes' length, and either memorize it or prepare a definite outline of it in such a way that you will not be free to vary it, you may very well find yourself prepared to refute only contentions which have been admitted by your opponent or not brought into the discussion at all. Such refutation is of course a very stupid performance. It is only the debater who is ready with the *information* necessary on any point in the case, and who then can gather up this information and meet his opponent on any point to which he may turn — it is only such a debater, who is really ready to present good refutation. So the preparation of refutation should mean a very careful research into each important phase of each possible case in opposition to your own — a study of how best to meet the contentions which your

opponent must make if he takes certain positions, and then an accurate gathering together of the evidence and argument necessary to refute your opponent in each such position. Refutation so prepared and extemporaneously presented to the audience and judges, is the highest achievement of a debater. Spontaneous, extemporaneous, thoroughly well-informed refutation of an opponent is the highest exemplification of debating ability. Work of this character is of course utterly impossible to the debater who is afraid to meet such a situation, and who therefore fortifies himself with woodenly prepared or perfectly memorized rebuttal speeches.

Exercise

Write out complete refutation to three editorials clipped from recent newspapers, and give detailed statement of methods of refutation used. (Where possible this exercise may be oral rather than written.)

CHAPTER VIII

ARRANGEMENT

A. Definition.
B. Three great rhetorical principles.
    1. Unity.
    2. Coherence.
    3. Emphasis.
        a. Place emphasis.
        b. Space emphasis.
C. Brief and outline.
    1. A brief.
    2. An outline.
D. Rules for brief drawing.

A. *Definition.* By arrangement is meant, the detailed organization and plan of a case. No steps in the preparation of a debate or public discussion or public speech of any kind are more important than the steps taken in arranging material. The organization of the discussion plays a great part in determining the ease with which the speaker will present his discussion and the ease with which the audience will understand and accept it. In this chapter we are to consider the principles and rules which have to do with organizing and outlining of cases.

B. *Three great rhetorical principles* broadly control all composition. These great principles, which must be observed in order to have effective com-

position in any field, are of particular importance in the field of debate and public discussion. It is only by following them with the greatest care that we can have that kind of composition which is most effective for oral presentation. It should be remarked in considering plans of organization and details of arrangement for all oral work that unless a sentence when uttered is instantly intelligible to the audience, the proper effect is in a large part lost. The audience cannot turn back and look up what was meant. They cannot reread the sentence or the paragraph. They cannot turn to a dictionary to find the meaning of the words. They cannot look at an outline at the head of the chapter or at a table of contents in the front of the book to find out just where the speaker is at a given time. In other words, if the speaker does not by orderly arrangement and good oral composition keep his hearers up with him at the proper point in the case, and so express his thought as to be instantly intelligible, he is certainly losing a large part of the effect which might be gained. Efficient oral discussion of any kind is impossible without compliance with the following three principles.

1. *Unity.* The principle of unity is observed when the whole composition is *one,* when it works toward a single conclusion,— a unified and not a diversified impression. In all argumentative work the principle of unity is observed when we have

for discussion a single proposition properly analyzed, so that real issues are discovered, and then a case built up on a partition which deals with necessary issues, and so establishes or overthrows the proposition. If each smaller point properly relates to the larger point under which it stands, and the larger points are properly related to still bigger ones, and so on up until we have all points regularly connected to the proposition itself, then we have unity in our discussion. No devise is better than a well-drawn brief for determining the unity of any case, and determining whether or not any given piece of evidence or any given argument properly belongs to such case. When a brief (as discussed later in this chapter) is carefully prepared for any case, such a case will necessarily be unified. It is impossible to build up a good brief on the proposition that is not a unit. It is impossible to work into a good brief material which violates the unity of the discussion. Outlines may well violate unity, but if the outline for any given discussion or debate is taken out of a properly drawn brief, unity is practically assured. Therefore every important argumentative effort, whether part of a formal debate or part of an informal discussion, should be based upon a carefully drawn brief of the proposition dealt with.

2. *Coherence.* The principle of coherence is obeyed when the materials used are arranged in the

proper order, or presented one after another in the correct sequence, and also properly connected one to the other. In other words, coherence is a principle which demands *proper order* and *proper connection.* It has been said somewhere in discussing this principle that not only must the horse be before the cart, but he must be hitched to the cart if the whole outfit is to be serviceable. Placing the horse before the cart is only one half of coherence; the other half is hitching horse and cart together. Again, this principle is of particular importance in all oral work. Unless the minds of the hearers can be moved easily along from point to point, the speaker will lose attention and interest, and will become so disconnected from members of his audience that conviction and persuasion will be impossible. It is only when a speaker keeps an audience moving along through his case with him, that he has an opportunity to affect deeply either their thoughts or feelings. When the connection between point and point is poorly made, when the jars are severe, listeners will fall away. They will cease to follow a broken, jolting, disconnected argument. So the student working in oral composition of any kind should be particularly careful that transitions are made smoothly from point to point as well as that points are taken up in the proper sequence. All that is done for the eye on the printed page by varying margins, changes in

type, paragraphing, headlining, use of symbols, etc., must usually be done in public speaking by word of mouth. Instead of simply starting a new paragraph, as one might do in a printed manuscript, it is often necessary to tell your audience what you are doing in so many words: "So much for that phase of the question. Now let us turn to a consideration, etc." In this way you can bring your audience over from one division to another without confusion. Very often the transition may be made with a single word or phrase instead of an elaborate sentence. Such expressions as "however," "moreover," "on the contrary," "on the other hand," "in the next place," "secondly," etc., are all transitional expression, the frequent use of which are helpful to hearers in following the proper connection between point and point in your case as it unfolds before them.

3. *Emphasis.* The principle of emphasis is closely related to that of coherence. Emphasis means bringing more strongly to the attention of your audience those parts of your case which you wish particularly to impress upon the minds of your hearers. There are always certain parts of a case which the speaker wishes to make stand out over other parts — in other words, which he wishes to emphasize. The question is, How shall that be done? Of course there are many ways. A speaker may get emphasis by various changes in delivery.

But with that we are not concerned now. It is with emphasis in composition that we are dealing here. Furthermore, with that kind of emphasis which grows from the use of the proper diction, from the choice of the right and emphatic words, which, by the way, is a matter which should be kept carefully in mind by students and teachers, we are not concerned here. As far as arrangement is concerned, methods of emphasis might be called the methods of place and space.

a. *Place emphasis* means simply placing that which you wish to emphasize in an emphatic position. The emphatic places are the beginning and the end of a discussion or speech, or of an important subdivision of a discussion or speech. When a speaker first takes the platform the audience gives him, as a usual thing, almost perfect attention. Anything that he says in the first few sentences of his speech will be received with keener attention than what he says later. A recognition of this elementary fact ought to be necessary to cause public speakers to say something important concerning the subject they have to discuss in the first few minutes they are on the platform, rather than to throw away this opportunity with trivial remarks or supposed funny stories which have nothing to do with the proposition under discussion. Such observance of the principle of place emphasis would greatly improve a large part of public speak-

ing. The end of a speech, of course, is also a very emphatic place. When an audience realizes that a speaker is about to close, they again give him, spontaneously, almost perfect attention. Therefore what he says in the end has an opportunity to sink more deeply into the minds of his hearers. Furthermore, since nothing comes after it, since it is the last thing in the speech, his audience goes away with this final word in mind. Therefore, on the whole, that which is said at the beginning and that which is said at the end will, other things being equal, make a deeper impression than that which is said through the middle of a speech. Of course it is true that the significance of the material itself, or the vividness of its presentation, even in the middle of a speech, may make material presented at that point stand out over all the rest of the discussion, but, other things being equal, that which is presented first and last will make the deepest impression.

b. *Space emphasis* means simply that we give more space in the manuscript, more time in the speech, to those things which we wish to emphasize. If you have two points you wish to present, and wish to emphasize one very much more than the other, you can usually do this by spending fifteen minutes in discussing one, and five minutes in discussing the other. A combination of these two elementary methods of emphasis, along with careful

attention to proper diction and effective delivery, ought to enable any speaker to make emphatic those parts of the speech by which he wishes his audience to be most deeply impressed.

C. *Brief and outline.* Questions of detail in arrangement, the matter of so organizing the entire debate or discussion as to live up to the requirements of these fundamental principles will be considered under the headings of brief and outline. There is a difference between a brief and an outline, properly speaking, which is not always understood, but which should be kept carefully in mind in the discussion of these two steps in preparation.

a. *A brief* is a completely finished statement on paper of all the evidence and all the argument, on a given side of a given case, arranged in logical order. It is not a preliminary outline on which to base a speech. It is a classified, organized, storehouse of fact and inference which may be drawn upon for the making of any number of speeches. A brief is a finished article. It is a complete, impersonal statement of evidence and argument which may be presented for a decision of the case whenever we have a tribunal competent to, and ready to, decide the question on cold fact and logical inference. Even though the brief may not be intended for such final use, a complete logical arrangement of all the fact and inference on a given side of a given proposition ought to be made out for the purpose of al-

lowing the worker, the debater, the discusser, to gain a clear understanding of the material to be dealt with. There is no other possible way of getting such a thorough grasp, such a complete understanding, of a discussion as by making a perfect brief of it. After a perfect brief is made, then an outline of any speech or any discussion may be made up by choosing whatever parts of the brief seem best for the particular occasion in mind.

b. *An outline* should always be arranged with the particular audience in mind, and should be adapted to the audience and the occasion. The brief should be prepared without reference to any audience or any occasion. It should be a brief of the case as a case. From such a brief of the case a number of different outlines might be drawn presenting various phases of the discussion to a number of different audiences. For instance, if you are going to work on the proposition that the town of X should build a new high school, you should prepare a brief on your side of the case which should contain a proper organization of all relevant and important fact, arranged in a series of logical arguments, to make a complete presentation of the whole of your side of the case to a judge or referee who wishes to go over the entire proposition in all its phases. Suppose after preparing such a brief you are called upon to make four different speeches advocating the building of this high school. Let

us say that you are engaged to present the subject four times as follows: 1. A one-hour speech to a public mass-meeting of citizens in town hall. Audience, 1200 men, women, and children. 2. A twenty-minute speech at a business meeting of the board of commerce or other business men's association in the town. Audience, 35 business and professional men. 3. A fifteen-minute talk to the 200 pupils of high school age in the town, to be presented at a meeting called on the morning of commencement-day in June. 4. A forty-five-minute talk before a women's literary club at an afternoon gathering in a private house. Audience, 50 women. A consideration of the type of speech that should be planned for each of these four different occasions ought to bring out the proper differences between a brief and an outline. There should be one brief of the case, carefully prepared, absolutely complete, perfect in arrangement, which should be at the basis of all these speeches. From that brief, the speaker should draw out for any particular speech those phases of the case which he wishes to present to the particular audience in mind. Different material will be chosen for different audiences such as we have mentioned. The same idea or point will often be presented differently to two different audiences. A series of points may be presented in different order to two different audiences. In other words, to make a good out-

line after we have made a good brief, we consider all the circumstances of the speech which is to be given, and then take from our brief those parts which will best serve for this speech, and arrange them in the most effective order possible considering at every point the audience and the occasion which we have to meet.

D. *Rules for brief drawing.* The following seventeen rules for brief drawing are presented here in the belief that they may be easily understood and followed even by beginners in argumentation. There has been no attempt made to condense and combine certain rules here for the purpose of making it appear that there are less than there really are. A perfect brief conforms to these seventeen rules. By making each one a separate rule, we gain accuracy and clearness. So we ask that each student consider each rule on its merits, and not be led to think because there are seventeen rules, that a brief must be fearfully and wonderfully made. Many of these rules may state almost self-evident truths, but for completeness' sake, everything is given here in full. Each of these rules should be memorized and understood.

General Rules

1. The brief should be divided into three parts, *marked,* respectively, introduction, discussion, and conclusion.

2. The ideas in the brief should be arranged in the form of *headings and subheadings.*

3. Each heading and subheading should be in the form of a *complete* statement.

4. Each heading and subheading should contain but a *single* statement. (Rare exceptions may be made to this in the case of *literal quotations* covering more than a single statement.)

5. Every coordinate series of statements should be arranged in order of *climax,* unless this violates time order in expository matter or logical order in argumentative matter.

6. The relation between the headings and subheadings should be indicated by means of margins, and letters, numbers, or other symbols.

7. No heading or subheading should be marked with more than one symbol.

8. All references and sources of information should be accurately stated in the brief, on the same page on which the information is given.

Rules for Introduction

9. The first part of the introduction should contain all the information necessary for an understanding of the discussion — history, definition, explanations, admissions, etc.

10. The last part of the introduction should contain a statement of the issues and of the partition.

11. The introduction should contain only statements the truth of which is admitted by both sides.

Rules for Discussion

12. The discussion should contain all evidence and argument to be used on the given side of the given proposition.

13. In the discussion, each main heading should read as a reason for the truth or falsity of the proposition.

14. Each subheading, or series of coordinate subheadings, should read as a reason for the truth of the heading above it.

15. Objections to be refuted should be dealt with as they arise.

16. In phrasing refutation the heading should state clearly the argument to be answered, and the character of the answer to be made.

Rule for Conclusion

17. The conclusion should contain a summary of the essential points of the proof.

Now let us consider each one of these rules very briefly. The complete briefs published in the Appendix will illustrate fully every principle here dealt with.

Rule 1. *The brief should be divided into three parts, marked respectively, introduction, discus-*

sion, and conclusion. It is not only important that we have an introduction, a discussion, and a conclusion, but the brief should be marked as divided in these three parts, so that anyone reading the brief may know exactly where the introduction ends and the discussion begins. The introduction, the discussion, and the conclusion are three separate problems, all working together, but each complete in itself. The principle to be observed in the different parts are not always alike, so that we could conceive of these as three parts which may be quite separate, and we should divide them off and label each distinctly.

Rule 2. *The ideas in the brief should be arranged in the form of headings and subheadings.* By means of headings and subheadings we may group ideas which go together. Anyone who has had any experience whatever in making briefs or outlines, will know that by putting down a main heading and running a series of subheads under it, we can get a grouping which will make clear at once to the eye, points in relation and relative importance which could not be made clear so effectively by any other method.

Rule 3. *Each heading and subheading should be in the form of a complete statement.* In reading a brief it is necessary that we follow accurately the exact intention of the writer of the brief. A mere topic which is not a complete sentence might do

very well for the author of the brief as a guide in writing a manuscript or making a speech, but the brief should be so prepared that anyone referring to it at any time can get from it the precise meaning the writer of the brief had in mind in preparing each part in it. Such clearness can only be accomplished by a rigid observance of the rule that each heading and subheading should be a complete statement. There is no place whatever in a well-drawn brief for mere topics and expressions which are not full sentences.

Rule 4. *Each heading and subheading should contain but a single statement.* (Rare exceptions may be made to this in the case of *literal quotations* covering more than a single statement.) Clarity of thought presupposes unity of thought. If you try to make a series of short headings and subheadings out of compound statements, you will see in a moment that great confusion results. It is only by having each idea stated singly that we can accurately follow through a complete and clear-cut line of reasoning. If hazy paragraphs and long quotations are boiled down to a single point, or to a series of single statements properly arranged, we will then have material so presented as to give us the vital thought with the least possible cost of study and attention. Inserting whole blocks of undigested quotations of more than a single sentence should not be allowed, though occasionally when the *exact*

words that some authority has used are of importance, this rule may be relaxed sufficiently to allow the insertion of a quotation of more than a single sentence. This, however, should be the only exception to this rule.

Rule 5. *Every coordinate series of statements should be arranged in order of climax, unless this violates time order in expository matter or logical order in argumentative matter.* This rule is very simple and practically self-evident. In expository matter, of course, it is usually clearest and best to follow time order. In stating a series of reasons, we should follow the logical order; that is, whatever order works through most easily from cause to effect or in other logical line of development. If we are simply citing a series of instances, or giving a list of cases, or tables of statistics, or other coordinate series in which order is not dictated by one of the considerations just mentioned, we should arrange such a series in the order of climax — that is, beginning with the weakest item, we should work through gradually to the strongest item at the end.

Rule 6. *The relation between the headings and subheadings should be indicated by means of margins, and letters, numbers, or other symbols.* The relations between various items in a brief should be made clear in two ways. First, by symbols, which should be commonly in the following order: Roman numerals, capital letters, arabic numerals,

arabic letters, and then repeating the same series in parentheses, as follows:

I. .....
A. .....
1. .....
a. .....
(1). .....
(A). .....
(1). .....
II. .....
A. .....
1. .....

In the second place, margins should be used to make the relation clear. All the roman numerals should stand in a line one above another; all the capital letters the same; all the arabic numerals the same; etc. No sentence should ever be brought back to the left under the symbol which marks its beginning. In other words, a margin should always be left clear and clean in as far as the symbol at the beginning of each sentence, and the wider the margin the lower the order of points being dealt with. The following examples will illustrate correct and incorrect margins:

(Correct)

IV. The contract system is the most desirable for its effect on the free labor of the State, because,
A. The argument that the competition of convict labor with free labor under the contract

system is detrimental to the welfare of the State is weak, for,

1. The competition must exist under any system of employment, because,
   a. The products of the convict must be sold in the market.
2. The competition is more serious under the public-account system, for,
   a. Goods can be sold below the market price in competition, because,
      (I) The State cannot be forced into bankruptcy.
      (II) The whole cost of production is the cost of the material.
   b. The tendency is to centralize manufactures on a few lines of production. for,
      (I) It is impossible to manage many different lines of manufacturing.
   c. The United States Industrial Commission says, "It has been shown by numerous investigations that under the public-account system there is greater competition with the products of free labor than under any other."
3. The competition is at least no less harmful under the piece-price system, because,

(Incorrect)

IV. The contract system is the most desirable for its effect on the free labor of the State, because,

A. The argument that the competition of convict labor with free labor under the contract system is detrimental to the welfare of the State is weak, for,

1. The competition must exist under any system of employment, because,

a. The products of the convict must be sold in the market.

2. The competition is more serious under the public-account system, for,

a. Goods can be sold below the market price in competition, because,

(I) The State cannot be forced into bankruptcy.

(II) The whole cost of production is the cost of the material.

b. The tendency is to centralize manufactures on a few lines of production, for,

(I) It is impossible to manage many different lines of manufacturing,

c. The United States Industrial Commission says, "It has been shown by numerous investigations that under the public-account system there is greater competition with the products of free labor than under any other."

3. The competition is at least no less harmful under the piece-price system, because,

Rule 7. *No heading or subheading should be marked with more than one symbol.* When a statement is given with two symbols standing at its head, the defect is usually that the student has omitted a large grouping statement — the statement which gives unity to a series of smaller state-

ments. For instance, suppose you find in a brief the following arrangement:

C. 1. .....
2. .....
3. .....

The mistake here has been that the proper statement for which C should stand and which unifies and brings together these three smaller statements and connects them to the roman numeral point to which C is a substatement, has usually been omitted. The following should be the arrangement:

C. .....
1. .....
2. .....
3. .....

There is never a place in a well-drawn brief where a single statement requires two symbols. Either the points here about are badly coordinated or else an important statement has been omitted.

Rule 8. *All references and sources of information should be accurately stated in the brief, on the same page on which the information is given.* Exact references,— volume, number, page, etc.,— belong in footnotes at the foot of the page, or on the left hand margin opposite the point referred to, or in parentheses in the body of the brief immediately following or under the point referred to in each

case. On the whole, probably this last method is best. If this is used, we always have the reference precisely where it is wanted, immediately under the eye as the fact is read. The fact and the source from which it is drawn are kept continually together. If, however, the same source is going to be mentioned for a great many facts on a given page, that source would perhaps better be given in a note on the left margin with the statement that it is the common source of all the fact used on that page, or under certain points which are indicated.

Rule 9. *The first part of the introduction should contain all the information necessary for an understanding of the discussion — history, definition, explanations, admissions, etc.* This is simply a restatement of the purpose of the introduction itself. The introduction should pave the way for the discussion. It should present to the reader the unbiased information, the immediate matters of fact, the definitions and explanations which will make the discussion clear.

Rule 10. *The last part of the introduction should contain a statement of the issues and of the partition.* The issues and the partition should, of course, come immediately after explanations and definitions, and immediately before the discussion. The partition is the connecting link between the interpretation of the proposition and the discussion itself. The issues and partitions are usually stated in two

separate sections of the brief, and make up the last two main points in the introduction.

Rule 11. *The introduction should contain only statements the truth of which is admitted by both sides.* This rule simply enforces the impartiality of the introduction. All *arguments* should be put in the discussion itself. The statement of issues and partition does not violate this rule, because the partition simply states that the affirmative or negative expect to, or hope to, establish the following points, and does not state the points categorically to be accepted on the mere statement given. Stating issues and partition is no violation of the rule that the introduction should contain only admitted matter.

Rule 12. *The discussion should contain all evidence and argument to be used on the given side of the given proposition.* This is the obverse of the rule just given. It simply means that the argument should all come *in the discussion,* should be kept out of the introduction, and *should be completed* and done with before the conclusion is written.

Rule 13. *In the discussion, each main heading should read as a reason for the truth or falsity of the proposition.* If your brief is on the affirmative side, each main heading should read directly as a reason for adopting the resolution. If your brief is a negative brief, each main heading should be

phrased as a reason for refusing to adopt, or voting against, the resolution. So on the affirmative the main headings (the points in partition) can be connected directly to the proposition by the word "because," as: Resolved: that the city of Y should install a water system using the water of Lake M. (because)

I. The present supply is inadequate.
II. The water of Lake M. is pure.
III. The supply is ample.
IV. It can be cheaply obtained.

On the negative the main headings should read as reasons for the resolution with "not" inserted, as: Resolved: that the city of Y should *not* install a water system using the water of Lake M. (because)

I. The present supply is adequate.
II. The water of Lake M. is impure.
III. The expert on whom the affirmative relies in their contention that this water should be used is untrustworthy.

Rule 14. *Each subheading, or series of co-ordinate subheadings, should read as a reason for the truth of the heading above it.* This is a carrying on of Rule 13 by simply applying the same principle exactly to the smaller subdivisions of the discussion. This rule may be very simply lived up to by writing into the brief at all connecting points

the connecting word "because." In the discussion of a well-drawn brief, it is always possible to connect any statement to the statement under which it stands with the word "because." In other words, we should be able to read "III," for instance, and then adding "because" be able to read all the capital letter partitions which stand under it. We should be able to read at any point "B," for instance, and connecting with "because" be able to read all the arabic numeral points which stand under it, and so on through the entire brief. Thus:

III. ....., because
A. .....
B. ....., because
1. ....., because
a. .....
2. ....., because
a. .....

Sometimes in the discussion two short points have to be taken together in order to make the reason for the point under which they stand. For instance, if under "I" we have to take two facts in conjunction to make a reason, the two points should be labelled A^1 and A^2; if three points, A^1, A^2, and A^3, and they should be connected to each other by the word "and," as:

I. ....., because
A¹. ..... and
A². .....
B . ....., because
1 . .....
2¹. ....., and
2². ....., and
2³. .....

Rule 15. *Objections to be refuted should be dealt with as they arise.* It is always possible to introduce into a well-drawn brief any refutation that fits at any point. If some point of objection is likely to arise in the mind of the reader of the brief at a given point, that should be anticipated and refuted in the brief itself. This can always be done by some such phraseology as the following: "The contention that so and so is true is unfounded, because," and continue the refutation, thus weaving it into the regular form of the brief itself.

Rule 16. *In phrasing refutation the heading should state clearly the argument to be answered, and the character of the answer to be given.* This rule should be observed with great caution in dealing with refutation. Refutation which is not accurately aimed at some definite contention of the other side is usually a waste of time. Let anyone who refers to your brief see at once precisely what each piece of refutation is intended to answer. Let

him see, in the second place, what the character of the answer is. What is your charge against the contention of the other side? — that it is false? or weak? or irrelevant? or ambiguous? or untrustworthy for some other reason? Characterize accurately your objection to it, and put that characterization into the phraseology which you use in introducing your refutation.

Rule 17. *The conclusion should contain a summary of the essential points of the proof.* The writing of the conclusion of a brief is a very simple work. The main point and partitions should always be reproduced in the conclusion, and sometimes even the next order, the capital letter points, should also be repeated, unless this would make the brief too long. Reference to the briefs printed in the Appendix will show the correct form for a conclusion to a brief.

Exercises

1. Write an introduction to a brief on some proposition dealing with a problem in your school.
2. Write discussion and conclusion to brief mentioned in 1.
3. Make detailed outlines for three different speeches discussing the above mentioned proposition before three diffrent kinds of audiences.
4. Brief the material in Appendix D. 1.
5. Brief the material in Appendix D. 2.
6. Brief the material in Appendix D. 3.
7. Brief the material in Appendix D. 4.
8. Make outlines of three different short speeches based on brief for exercise D. 3.

CHAPTER IX

COMPOSITION

A. Brief, outline, and speech.
B. Extemporaneous composition.
C. Four qualities.
    1. Brevity.
    2. Simplicity.
    3. Vividness.
    4. Variety.
D. The introduction.
    1. The first affirmative.
    2. The first negative.
E. The discussion.
F. The conclusion.
    1. Balanced summary.
G. Rebuttal speeches.

A. *Brief, outline, and speech.* The relation of the speech to the brief and outline has already been touched upon in Chapter VIII. Here at the beginning of our consideration of the preparation of speeches in either a formal debate or a discussion, we ought again to mention this relation. The brief, as we have said, should contain an impersonal statement of the facts and inferences logically admissible on a given side of a given proposition. When the problem of making a specific speech arises, an outline should be drawn from the brief, making use of whatever materials in the brief seem best suited for

the occasion in hand, and arranging these materials in the proper order to accomplish best the exact purpose to be aimed at in the speech. In preparation for speeches in a debate or a discussion contest, substantially the same steps should be taken. However, if the preparation consists in part of a series of practice debates or discussions taking place at intervals through a considerable period of time, the brief and outline will be growing and changing with the development of knowledge and experience coming from these practice debates and discussions.

B. *Extemporaneous composition,* should, of course, be aimed at in the preparation of the speeches. That being the case, all work in speaking by way of preparation should be done extemporaneously from outlines. Suppose, for instance, that a given school is a member of a triangular debating league and is preparing a team on both the affirmative and negative of a certain proposition. As far as possible in advance of the debate, these two teams should begin to meet each other in regular debate. Outlines should be prepared, and if required, should be taken to the platform and referred to from time to time during the talking. Each team should plan a tentative case and method of attack and defense, and try it out in debate. After the debate is over modifications can be made and plans laid for the second debate. Through the entire period of preparation,

there should be frequent debates with full length main speeches and rebuttals, in which various outlines and types of cases are tested out. If such preparation is indulged in, a well-informed, well-reasoned, live, extemporaneous discussion may be looked for in the final contest. Students will learn to use the most difficult and most effective mode of talking,— namely, extemporaneous talking. Audiences will be spared the tedium of declaimed, memorized speeches in what might be a live, interesting, growing discussion. Such preparation should not be allowed to degenerate into *mere rehearsals of speeches.* The teams should definitely try different things in different debates. Different methods of attack and defense should be deliberately chosen and practiced upon for the sake of variety. Each team should try to surprise the other in new methods of handling the proposition, and constant attention should be given by the members of the teams, and by instructors or coaches, not only to the fact and argument presented, but to the rhetorical style of presentation and to the speaking ability shown. By such practice, students will learn good oral composition, and will learn how to make public speeches.

C. *Four qualities.* There are four qualities which should be found in extemporaneous oral argument. It is probably well to mention them briefly, and to advise that each debater and each

teacher or coach, should be constantly on guard to call attention to any absence of these qualities, and to do everything possible to inculcate the qualities referred to. The four are: brevity, simplicity, vividness, and variety.

1. *Brevity* means simply saying what one has to say in the smallest number of words which will be effective. This does not mean leaving out things that should be said, but simply omitting unnecessary words. The proper length of any given speech must depend upon many considerations. If you have a time-limit to meet, plan definitely to meet it, and plan to say within the time-limit as many things as can effectively be put into the time allowed. Do not waste time by a false introduction. Do not wander around your subject trying to find a proper point from which you may dive into it. Move quickly into the heart of the discussion. Present the material you have to present as briefly as is consistent with clearness and force, and close your discussion without tiresome repetition or a long-drawn-out attempt to end. Quit when you are through. This is what brevity means. When a debater is presenting a point in practice debate, his team mates, opponents, and teachers or coaches, should note whether or not he wastes time, wastes words. Time and words should be most strictly economized. Careful attention to this matter during a series of actual extemporaneous debates will

do more to assist the student in gaining the ability to be brief, than almost any amount of work on written manuscript which is handed to a teacher for criticism.

2. *Simplicity* means that we shall keep our discussion free from artificial ornament, pretentious over-done diction of any kind, and free from undue complexity and abstruseness. Choose the shortest, simplest, clearest expression possible for the presentation of the thought you have in mind. Never try to impress the audience or the judges with the extent of your vocabulary or the versatility of your imagination. *Keep yourself and your qualities and your abilities in the back-ground,* and talk to *your audience* about *your proposition.* Present your ideas concerning your proposition in the simplest language that will fit the occasion. By doing this you can keep the attention of your audience on the subject and not upon your treatment of the subject. This is the test of simplicity. Do not let the magnificence of your discussion stand between your subject and your audience. By doing this you can best show your real ability in debate or discussion.

3. *Vividness* is obtained when our ideas are presented in the strongest, brightest, most lifelike language which we can command. Please note that this does not mean big words and far-fetched expressions. Clear, strong, bright, animated, lifelike

discussion is usually simple. A simple word which strikes clearly the mind of the hearer, and brings vividly before him the idea which you wish to present, is the word which you should always choose. The word which will bring an idea vividly to the mind of the hearer is always a word which is easily grasped and understood by that hearer. *You cannot present ideas vividly to an audience in language which is unfamiliar to that audience.* Fit the knowledge and experience of your hearers as accurately as possible by choosing language which will bring up images that are very close to the lives of your hearers. Concrete and specific terms are always more vivid than abstract and general terms. Consumption is more specific than disease; disease than indisposition. "Do not write," says Newcomer, "'quite a distance' when you can just as well write 'twelve miles,' nor 'rude habitations' when you mean 'adobe huts,' nor 'intoxicating liquor' when you mean 'Kentucky bourbon.' Let your trees be maples or sycamores or live-oaks, and your birds towhees or blue-jays or vireos. Give your characters a name, your incidents a date, and even your sunsets a geographical location."[1] This advice should be taken literally by all people practicing argumentation in any form. And again, colleagues, teachers, and coaches, should watch carefully for any violation of this principle. Notes should be

[1] Elements of Rhetoric, p. 238.

taken of all lapses and students should be warned whenever they have used abstract and general terms where concrete and specific terms would be better. In this way, with very little practice, the habit of using concrete, vivid, live diction can be gained in a comparatively short time.

4. *Variety* gives much the same kind of interest and freshness to a discussion which is given by vivid diction. The principle of variety is observed when there is change throughout the discussion. When one is able to find various kinds of sentences, various kinds of figures of speech, various methods of introducing evidence, various types of evidence introduced, various points of view presented in regard to certain phases of the case, varying degrees of intensity in thought and delivery, the principle of variety is observed. Avoid monotony by securing variety in material and variety in form. Beginners should be watched carefully to see that they do not develop a habit of always doing certain things in the same way — or always introducing evidence with a set formula, or of concluding points with another set formula. Monotonous repetition of words or expressions should be noted and discouraged.

D. *The introduction* of a speech, either in debate or discussion, should first of all fit the circumstances under which it is offered. Any speaker in taking the platform, either at the beginning of a debate or

in the middle of it, should recognize the point which the discussion has reached at that time, should recognize the general situation before the audience, and should fit himself into it. The ability to make a careful adaptation to such circumstances at the beginning of a speech, to take up the thought in the minds of his audience at the point at which he finds it, and to carry it on to the conclusions he wishes to reach, constitutes one of the finest tests of ability in public discussion. As far as the particular problem of the introduction of any debate or discussion is concerned, since it has largely to do with explanation, the atmosphere should be that of courteous, conciliatory exposition, rather than of partisan argument. Especially for the first speaker on either side, the work of exposition, of giving definitions, or narrating the history of the controversy, giving the results of analysis, stating issues and partition, should all be done, calmly, deliberately, dispassionately.

1. *The first affirmative.* The steps just mentioned should, of course, always be taken without any exception by the first affirmative in a formal debate. The first duty, the ever-present duty of the first affirmative in a formal debate, is to explain to the audience the problem involved in the proposition, to tell the audience what seems to him to be the issues contained in the proposition, and to indicate to the audience exactly what the position

of his side is in regard to these issues. What the first affirmative has to do in addition to this, is not a matter of so great importance. If he has considerable time left, he may well move on into the argument, and go as far as possible in substantiating the contentions which his side make. But needed explanation and analysis should never be sacrificed by the first affirmative for the purpose of plunging into the discussion.

2. *The first negative* must *always recognize* the analysis which the first affirmative has presented. He may agree with it or disagree with it. He may accept it in part and reject it in part. He may brush it aside as inadequate or unsatisfactory. In fact, he may do with it what he will, if he will only recognize it in some form or other and take it up as the principle contribution of the first affirmative. The one thing the first negative must not do is to ignore the analysis of the first affirmative. The only way to get a discussion started right is to have the man who opens the affirmative of the case present what he thinks is the correct analysis of the problem, and then to have this analysis accepted, or rejected, or modified in whatever way seems necessary, by the opening speech of the negative. This gives clearness and saves time. It probably presents very early in the discussion to the opponents, the judges, and the audience, the exact points on which the two sides differ; and so

the controversy may be joined at the earliest possible moment.

E. *The discussion* presented throughout a debate may be treated as though it were all presented by one speaker, though, as a matter of fact, it may run through the speeches of a number of people. Here of course the evidence which it has been decided to present will be presented. What we have said above in regard to brevity, simplicity, vividness, and variety is all particularly applicable to the discussion of a debate. Here the main heads of the discussion, the points in partition of the case, should be stated clearly and vividly — should be kept before the audience. Not only that, but the details of evidence and argument that are presented should be clearly related to these main points. The relations which are evident to the eye on glancing through a brief or outline must be made evident to the ear by additional explanation, by a connecting word here and there, or the use of numbers as one moves through the discussion. Some way or other just how the case hangs together must be made clear to the audience. A confused jumble of facts and inferences is not a good discussion. Transition from point to point and from fact to fact of the case should be made perfectly clear. Here the use of analogies for showing relations, the bearing of the evidence, etc., is particularly effective. Rhetorical questions for purposes of emphasis

and directness, repetition, particularly of the main points, and the vital ideas in the case, may be freely used — much more freely in fact than would be allowable in a written manuscript. In talking to an audience we have to do by words much that is done by chapter headings, page headlines, paragraph indentation, changes in type, etc., on the printed page. A good debater, a good speaker, an artist in public discussion, *talks to an audience* and does not present to them a memorized essay. The speaker should keep close to his audience, should carry his audience with him, by talking intimately to them, and explaining to them point by point the relations of various parts of his discussion, and the bearing that it all has on the vital considerations involved in the proposition itself.

F. *The conclusions* to debates and formal discussions are usually not very difficult to plan. A summary should practically always be given, and the summary may be long or short, according as circumstances seem to dictate. The briefest summary that will bring quickly to the minds of the audience the basic considerations in any discussion is the correct summary. Sometimes, however, the briefest summary which will do this, as a matter of fact, will take a good many minutes to present. But however long it takes, at the close of any discussion, the speaker should gather up the threads of the argument and present the big ideas with which he has

been dealing, as they all relate to each other and to the whole proposition. He should aim to leave a single, unified impression with his hearers.

1. *Balanced summary.* In formal debate where there are two opposing sides, what is called the balanced summary is the best possible one to give. This is a summary in which the main points of one side are taken up step by step parallel to the main points of other side, and a direct comparison between the two cases is made from beginning to end. This being done, of course, for the purpose of strengthening the points of your case in the minds of your hearers, and minimizing and weakening the force of your oppoents' case at the same time. In the practice debates preceding a formal contest, speakers should always attempt this form of summary. Practice here will almost surely make perfect. It is not an easy thing to summarize two elaborate cases in this parallel manner, but it is well worth learning to do. It is the most perfect summary that can be given at the end of the argument, and anyone who aspires to be a debater should learn how to do it, and how to do it all extemporaneously. Of course some speculation may be had in advance as to what an opponent's case may be, and possible types of balanced summary may be planned or practiced, but when the final contest comes, the two cases that should be summar-

ized together are the actual cases that have been presented on the platform, and not supposed cases which were figured out in advance.

G. *Rebuttal speeches* have already been discussed in the chapter on refutation. What was said there in regard to the purpose of such speeches does not need to be repeated at length here. That chapter should be reviewed at this point if the reader has forgotten what was there said. It may be well, however, to repeat here that the universal understanding in regard to rebuttal speeches and formal debate, that new arguments may not be advanced in the rebuttal speech, should be scrupulously observed. Do not let the circumstances of extemporaneous composition of rebuttal tempt you to a violation of this principle. In this matter, in answering the actual case against you instead of an anticipated case, in all things be perfectly fair and honest and courteous to your opponent. It is very rare indeed that any speaker before any audience can gain any advantage for himself by exhibiting a spirit of discourtesy or unfairness or loss of temper. The introduction of such an attitude hurts you, hurts your case, cheapens the whole discussion, and probably embarrasses and offends the well-bred people of your audience. State your opponent's position fairly before attempting to refute it. When you point out what he has said for the pur-

pose of offering your arguments against it, point out exactly what he has said. Do not exaggerate and color it for the purpose of making it easy to refute. Be honest, be courteous, be fair!

CHAPTER X

DELIVERY

A. Importance of delivery.
B. Learning to speak in public.
C. Four methods of delivery.
    1. Impromptu.
    2. Reading.
    3. Memorized.
    4. Extemporaneous.
        a. Advantages.
            (I) Flexibility.
            (II) Fit mood of audience.
            (III) Physical and nervous.
            (IV) Use inspiration of audience.
        b. Dangers.
            (I) Inaccuracy.
            (II) Repetition.
            (III) Monotony.
        c. Advantages greater than dangers.
        d. Mixed method or "block system."
D. Platform helps.
    1. Notes.
    2. Charts.
E. Final word.

A. *Importance of delivery.* The delivery of the speech to the audience, the oral presentation of the case, is of course of great importance in all debate or oral discussion. It is not enough here to be able to analyze propositions, investigate problems, and marshal evidence and argument. In addition to these things, it is necessary to be able

to present effectively to an audience the result of one's labors. Much of the advantage that comes of having done well the steps so far considered, can easily be lost by one who fails in the final process of presenting orally the result of all his work to the audience or tribunal whose opinion he is seeking to influence. Anyone starting out in the field of debate and oral discussion should then have two fundamental truths in mind in regard to delivery. The first is, that it is of great importance; and the second is, that one's ability in this part of debate is usually the direct result of careful study and practice. That sort of superlative ability in speaking which is sometimes needed for the delivery of the greatest orations, and which is thought to be the special gift of orators who are born and not made, is rarely if ever required for debate and oral discussion. Simple, sincere, straightforward, dignified, forceful talking is what is required; and this kind of talking is within the reach of all normally intelligent people. It is not the result of being born with any peculiar gift. Therefore the beginner should realize that it is of first importance that he start right in the very beginning and develop correct habits of speaking.

B. *Learning to speak in public* is too broad a field to permit of its being covered, or even touched upon, in all its phases, in this text. The suggestions of this chapter have to do with modes of preparation

leading to different types of delivery, rather than with the details of platform speaking itself. In one sense of the word, public speaking cannot be taught through the printed page as some other subjects might be. The best possible method of improvement in public speaking is study and practice under a competent instructor who can give personal criticism and suggestion. The best way to learn to speak is by speaking; and the best way to learn to speak well is by speaking under the criticism and direction of one who knows how to teach the art of speaking well. Regular study in regular courses given by competent teachers is the best possible method of getting the right start. Actual practice before regular audiences is the only possible means of becoming really proficient. But the beginner should realize that practice alone is of doubtful value, unless it is guided and corrected by sound criticism and instruction. Simple experience in talking will set and crystallize whatever one's natural inclinations are; and we should remember that the advice, "be natural," is not the whole of intelligent instruction and speech. It is apparently *natural* for many people to speak abominably. If a young speaker has certain faults, and speaks a great deal without having these faults corrected, he probably will never get rid of them. So that, if a beginner is not naturally a good speaker, a great deal of practice without intelligent criticism may

do much more harm than good. On the other hand, if a student is naturally a very good speaker, a great deal of practice with an instructor is really not needed.

C. *Four methods of delivery* should be mentioned. 1. *Impromptu speaking* is speaking wholly without plan, preparation, or premeditation. The difference between impromptu speaking and extemporaneous speaking should be kept in mind. Impromptu speaking, properly so-called, is quite outside of the range of discussion in this book, because here we are discussing methods of presenting cases which have been prepared.

2. *Reading* your speech from a written manuscript is the second method of delivery. Such a method is often used by people who have carefully prepared a paper on some topic for which very painstaking phraseology was desirable. The reading of a manuscript to an audience under such circumstances is sometimes permissible, but almost always it is not so good as some other method of delivery would be. The reader is of course shut off from his audience. His delivery probably will lack directness. It will probably lack expressiveness, conversational quality, life, variety, vividness. Under such circumstances the audience is almost sure to hear "desk phraseology" rather than the live diction which is likely to come to a man who is really talking spontaneously to a real audience. While

there may be circumstances in which reading such a manuscript is quite permissible, such an occasion never occurs in debate or in what we commonly think of as public oral discussion. As far as those for whom this book is intended are concerned, this method should of course never be indulged in.

3. *Memorized delivery,* the presenting of the speech to the audience from memory, word for word, as written in the manuscript, has some advantages over reading; and of course if the memory is accurate, this method has the same advantages that reading has in regard to exactness of phraseology. The speaker from memory will probably say to the audience precisely what he intended to say, and will therefore be spared one of the dangers of extemporaneous speaking, but this very advantage conceals a disadvantage within it. He is saying what he had prepared to say some days before the actual occasion occurred. It is warmed over, second hand, very often out of tone with the circumstances under which the speech is actually being delivered. The speaker is shut off entirely from taking advantage of things that happened just befor the speech was delivered, or those which may take place during the course of the discussion. Memorized speaking is likely to be wooden, hollow, artificial, and therefore ineffective. It should be avoided by beginners in public discussion of all kinds, and should never be indulged in by anyone

in the course of a debate. Debating is necessarily, if it is real debating, live, running discussion, a give and take, in which what one speaker says is necessarily conditioned by and dependent upon what others have said before him. Memorized speaking is so contrary to the whole spirit of good debating that it should never under any circumstances be attempted by a debater.

4. *Extemporaneous speaking* means the delivery of a carefully prepared debate or discussion or speech in which the preparation has stopped short of final manuscript form. In extemporaneous speaking everything is prepared in advance except the actual phraseology of the moment. It is delivering a carefully prepared case from notes or outline. The notes or outline may or may not be used on the platform. A speaker may speak extemporaneously from a memorized outline, or from an outline carried on a card or cards.

a. *The advantages of extemporaneous speaking* in debate or oral discussion are many. (I) In the *first* place, it permits of *flexibility,* which is usually essential to good debating or discussion. It allows the speaker to fit his speech to what others have said, to strike out at the last moment something which he found to be unnecessary or unwise, to insert during the debate points which he had not intended to include, or to rearrange and present in a different order the points he had planned on, in order to bet-

ter meet what preceding speakers have said. A carefully prepared case handled thus from a flexible outline allows the speaker perfect freedom to take advantage of the turn of events at any moment. In a live discussion, such freedom is absolutely necessary.

(II) In the *second* place, extemporaneous speaking allows the speaker to keep close to, and to *fit the mood of his audience.* The extemporaneous speaker knows whether his audience are agreeing with him or disagreeing with him. He can catch signs of approval or disapproval, or of doubt, or misunderstanding. He can repeat points that seem not clear to the audience. He can drop entirely a line of discussion which he observes to be unpleasant or incomprehensible to them. He can keep continually in touch with the atmosphere of his audience, and thus tremendously increase his possibilities of conviction and persuasion. He can converse with his audience; he can reason with his audience; he can actually ask them questions and get their answers, and be guided by them. His speech can be real conversation or communication.

(III) *Third,* extemporizing has real *physical and nervous advantages.* The burden of remembering; the restriction of a manuscript, holding the eyes to the paper, very often restricting the throat by the inclination of the head; the binding of the speaker to the reading stand; the restriction caused by using

the arms to hold the manuscript or book — all these limiting and binding conditions of manuscript delivery (either read or memorize) are gone in extemporaneous speaking. The speaker is physically and mentally free. He is not afraid of breaking down. He cannot lose his place in the speech. His run of ideas are indicated by the outline in his hand, which he is perfectly free to look at when he likes. He is using no nervous energy to recall the words of a manuscript. He can stand erect and move at will, and use all of his powers as freely as he chooses to make the most of any turn which the discussion may take.

(IV) *Fourth,* the extemporizer is free to capitalize and use the *inspiration* of the audience. This does not mean what we have already mentioned, being free to fit into the mood of the audience. It means that a speaker is free to be carried to heights of force and feeling, diction, eloquence, which he could never reach without the stimulus of an audience before him. Many experienced speakers will tell you that it is impossible for them in the quiet of their studies to bring to mind and put down on paper as live and forceful and vivid phraseology as is sure to come to them when they start talking extemporaneously to an actual audience on some case which has been in substance very carefully prepared. Extemporaneous composition is better composition for the purpose at hand.

b. *The dangers of extemporaneous speaking* should also be mentioned. (I) In the *first* place, the extemporaneous speaker is in danger of being *inaccurate.* He may not say just what he intended to say. In the enthusiasm of his eloquence he may exaggerate. He is likely to use stronger descriptive adjectives than he would have chosen if he were carefully writing a manuscript at his desk. "A few" may become "a great many"; "sometimes" may become "always." In various ways he may be so carried away that he says things which he regrets after the speech is over. Careful self-control should be developed and exercised by all extemporaneous speakers in order to avoid this bad habit of exaggeration.

(II) The *second* danger of extemporaneous speaking is the danger of an awkward and tiresome *repetition.* Coming back to the same point time after time; going around your case in a circle and repeating sections of it; losing yourself some way or other, and presenting to the audience certain ideas which are prominent in your case so many times that the audience wearies of the repetition — this fault of extemporaneous speaking is usually the cause of speeches that are very much longer than they should be. Very many extemporaneous speakers never know when to quit. They are too long in getting started, repeat needlessly ideas in the introduction, and then go over their discussion two or three times

before they finally close the speech. Careful practice in presenting extemporaneous speeches from outline ought to insure one against this danger. But it is well in the beginning to realize that this is a very real danger, and to take whatever steps are necessary in order to avoid falling into the habit of tiresome repetition.

(III) A *third* danger is *monotony*. An extemporaneous speaker is in danger of falling into the habit of saying all sorts of things in the same way; going through a logical formula and presenting different ideas as they occur to him always in the same manner; of characterizing different things in the same ways; of using the same descriptive adjectives; of summing up in a monotonous, habitual form. All this should be avoided. Team-mates and instructors should be watching constantly for the tiresome monotonous habit of *repeated form*, even when the substance varies.

c. *Advantages outweigh disadvantages.* All practitioners of debate and oral discussion should use the extemporaneous method, because, on the whole, its advantages greatly outweigh its disadvantages. The disadvantages frankly recognized may all be guarded against, and the advantages which have been mentioned can be gotten under no other possible system. By careful practice, any person of normal intelligence can learn to talk extemporaneously. Anyone doing regular work for the pur-

pose of learning how to debate or take part in public oral discussion should never use any other method.

d. *The mixed method, or "block system,"* of memorizing certain sections of a debate or discussion, and using these at various points mixed in with extemporaneous work is sometimes permissible, and even advisable. Memorizing certain sections in regard to which great care should be taken is perhaps a wise precaution. The so-called "block system" of memorizing the entire speech in separate sections so that they may be shifted around at will or be dropped out is probably going too far in the direction of memorized speech. But a memorized introduction or conclusion or a memorized presentation of certain points in the discussion may be well worth while, in circumstances where very careful wording is especially desirable.

D. *Platform helps,* such as notes, outlines, charts, etc., should be used or not used according as they fit the general principle that *we should do what is really helpful and serviceable in this respect.*

1. *Notes.* The prejudice that still exists in some places against speaking from notes should be disregarded. The speaker should be interested in presenting his ideas to his audience. If the use of notes will assist him in doing that work efficiently, he should use notes. If the subject is so simple that notes would not be of real assistance, but

would, on the other hand, shut him off from his audience, insulate him from his audience, keep him from talking directly to them, break up the continuity of his thought,— then notes should not be used. There is no thumb rule that can be applied. But it is safe to say that in very long speeches or intricate speeches, some notes would probably be helpful; and we should never refrain from using them simply by reason of a prejudice which exists in the minds of some people. These folks seem to think that it is a fine display of ability to see a man talk to an audience for an hour without referring to a paper of any kind. It may be a display of ability; it may show a great memory; or it may be a display of stupidity and artificiality. Notes in themselves are neither good nor bad. They should be used or not, according as they will be really serviceable. Outlines should always be prepared, and if very short and capable of being easily memorized, may well be treated in that way and not carried to the platform. If the outline is long or intricate, it should be carefully typewritten on 4 x 6 or 5 x 8 cards, and freely and frankly carried in the hand or deposited on the reading stand where reference to it will be easy. Worked into such an outline should be all literal quotations except very short ones, and all statistics to which reference is to be made. The speaker should never at-

tempt to give to an audience long literal quotations, or to give statistics of any kind from memory. Careful judges and auditors should be suspicious of memorized quotations. It is foolish to burden the memory with intricate matters of this kind which could be much more easily carried on a card; and sometimes the debater makes a mistake, and runs out from memory the wrong set of statistics or the wrong quotation. When such things occur in debates, the result is very disastrous indeed.

2. *Charts and diagrams* to be hung up before the audience may be used whenever you have *important* material which you can present in *less time* with a chart than without it. Do not hang up a chart because you think it will look well, or indicate great industry or research on your part. Unless the material which you have on the chart can be more quickly presented in that method, and unless it is very important material, do not introduce a chart. When a chart is introduced, it should always be left hanging for the opponents to make whatever use of it they may wish to make. It is decidedly bad sportsmanship in a debate to take down a chart after you have used it in order that your opponents may not have an opportunity to refer to it. Whenever one side does this the other side should openly demand that the chart be replaced, and left before the audience for the re-

mainder of the debate. Where the affirmative have the last rebuttal, charts are often more dangerous for a negative team than for an affirmative; for then the affirmative may put off a refutation of the chart until the last rebuttal speech, after which the negative have no opportunity to make good any damage that might be done by the affirmative. Unless you are very sure of your chart, it is probably well not to use it under these conditions on the negative side.

E. *A final word* may be given in regard to debate and oral discussion: that word is *reality*. Try to make all debating and discussion a real presentation to a real audience. Talk to your audience; do not display your personal ability in front of the audience. Say "ladies and gentlemen"; never say "honorable judges" when you have a whole audience before you. If you are talking to a board of honorable judges, and there is no one else present, then you might so refer to them. But the habit in contest debating of addressing the speeches to the judges when there is present an audience of four or five hundred people is decidedly bad form. The judges should simply be members of the audience, and should in no way be singled out and made to stand out above the audience. The debate or discussion should be addressed to the ladies and gentlemen present. And when it is over, the judges should pass their opinion on the work done simply as

especially competent critics who happen to be members of the audience talked to. Let the reality of the discussion influence your speaking. Use your natural voice. Do not "speechify"; do not declaim; do not "orate." Talk *to* your audience; tell them directly and simply what you know and what you think in regard to the problem you are discussing. Make your contest discussion or contest debate in every way as near as possible to what it would be if you were arguing a question on which, after your speech, the members of your audience were going to vote. Keep such an atmosphere of reality in your contest and practice debates and discussions, and then whatever practice and experience you go through will surely be a very high type of training for the actual debates and discussions of real life.

APPENDIX

A. Parliamentary Motions.
B. A Student's Brief.
C. A Student's Brief, Outline, and Speech.
D. Material for Briefing.
    1. Editorial, *Biennial State Elections.*
    2. Argumentative Address, *Our Merchant Marine.*
    3. Student's Argument, *The Railways after the War.*
    4. Special Article (Refutation), *The Minimum Wage.*
E. Debating Leagues.
F. Instructions and Ballot for Judge of a Debate.
G. Criticism Blank and Ballot for Judge of a Debate.
H. Discussion Contests.
I. Instructions and Ballot for Judge of a Discussion Contest.

A. PARLIAMENTARY MOTIONS

Arranged and numbered in order of precedence. Any motion here takes precedence over any motion of a lower number.

	Need a Second?	Debatable?	Main Question debatable while pending?	Amendable?	Can be referred to a Committee?	Required for passage?
A. The Principal Motion:						
1. Any main question or independent matter of business before the meeting.	Yes	Yes	Yes	Yes	Yes	Maj.
B. Subsidiary Motions:						
2. To amend	Yes	Yes	No	Yes [1]	Yes [2]	Maj.
3. To postpone indefinitely	Yes	Yes	Yes	No	Yes	Maj.
4. To postpone definitely	Yes	Yes	No	Yes	No	Maj.
5. To refer to a committee	Yes	Yes	No	Yes	No	Maj.
6. Previous question	Yes	No	No	No	No	2/3
7. To lay on the table [3]	Yes	No	No	No	No	Maj.
C. Incidental Motions:						
8. To suspend a rule	Yes	No	No	No	No	2/3
9. To withdraw a motion	No	No	No	No	No	Maj.
10. To divide a question for voting	Yes	No	No	Yes	No	Maj.

1 An amendment to an amendment cannot be amended.
2 Takes whole question with it.
3 If carried at any point in the discussion it tables main questions and all riders or secondary questions attached to it. All debatable motions may be laid on the table. No motion that is not debatable may be laid on the table except the previous question.

11. A point of order	No	No [4]	No	No	No	[5]
12. An appeal from the decision of the chair on a point of order	Yes	Yes	No	No	No	Maj.
D. Privileged Motions:						
13. To make a matter of business a "special order" for a given time when all other business must yield to it	No	No	No	No	No	2/3
14. Questions concerning the "rights and privileges" of the assembly or its members	No	Yes	No	Yes	Yes	Maj.
15. To adjourn	Yes	No	No	No	No	Maj.

If the question of consideration of a principal motion is raised at once, before other motions are put or discussion begun, it does not yield to any other subsidiary motion, but it cannot be raised after consideration has once begun.

The motion to accept (a report, for instance) is equivalent to raising the question of consideration, and when carried means simply that the matter to which it applied is before the house. This motion is usually not necessary, acceptance being taken for granted unless objection is made.

The motion to adopt is a principal motion which means that the assembly enact whatever the report adopted recommends.

A motion to reconsider is in a class by itself. It must be made on the day on which the action sought to be revised was had, and before any action has been taken by the assembly in consequence of it. Only a member who votes with the prevailing party has the right to move for a reconsideration. A motion to adjourn, to suspend the rules, or to lay on the table when decided in the affirmative, cannot be reconsidered.

An amendment may be made by (a) striking out, (b) inserting, (c) striking out and inserting, (d) by a substitute motion.

An amendment can be made to an amendment, but there the process must stop.

[4] The chair may allow a debate on a point of order if so inclined.
[5] Decided by the chair subject to appeal.

APPENDIX B

(A student's brief)

GOVERNMENT OWNERSHIP OF THE TELEPHONES AND TELEGRAPHS

By John L. Newman

Resolved: that the federal government should own and operate all public service telephone and telegraph lines, constitutionality granted.

INTRODUCTION

(Negative)

I. The telephone and telegraph are of the utmost importance in our life.
   - A. The telephone has great utility in the home.
     1. It permits the housewife to do away with the hardships of shopping.
     2. It permits quick communication between the members of the home.
   - B. The telephone and telegraph are of great use on the farm.
     1. The telephone has made farm life more attractive by conversational facilities.
     2. Telephones make profitable openings by connections with city firms.
     3. Market quotations are spread extensively.
   - C. They are invaluable in business.
     1. They have brought business in touch with the home.

2. The telephone saves hours of messenger time for business men.
3. They permit principals to keep in touch with agents.
4. Contracts are made by the telephone and telegraph.
5. Money is transferred from place to place.

D. The telephone and telegraph are indispensable in our national life.
1. The telephone has made possible the residential suburb.
2. News is transferred by means of the telegraph and telephone.
3. They have brought about a closer existence.

II. The value of the telephone and telegraph depend upon several things.
A. It is important that the telephone system be extensive in its reach.
B. It is important that telegraph offices be numerous.
C. It is essential that service be efficient.
1. The telephone and telegraph must be more rapid than any other agencies.
2. They must be absolutely reliable.
D. The rates charged must be reasonable.
1. The number of telephones will otherwise be decreased.
2. The use of the telegraph will be replaced by mail service.

III. The question of ownership and operation is an important one.
A. The present status of the telephone and telegraph system in the United States is private ownership.

B. Some maintain that private ownership and operation is best, because
   1. Government ownership and operation would destroy individual enterprise.
   2. Efficiency is greatest under private operation.
   3. Cheap rates under government operation are not actually cheap.
   4. Government control would bring political evils.

C. Some maintain that government ownership and operation is best, because
   1. Service would be more efficient.
      a. The telegraph would be combined with the Post Office. (Government ownership of Electrical Means of Communication. Post Office Department, pp. 19–36.)
   2. Rates would be cheaper. (Report of the Post Office Department, pp. 19–36.)
   3. Private monopoly of such a system is contrary to public welfare. (Report of the Post Office Department, pp. 19–36.)

D. Government ownership and operation is not a new question.
   1. Postmaster General Johnson in 1846 recommended government ownership of the telegraphs. (Report of the Post Office Department, p. 19.)
   2. Almost every postmaster general since the Civil War has endorsed it. (Report of the Post Office Department, p. 36.)
   3. 70 bills for government ownership have been introduced into Congress. (Report of the Post Office Department, p. 36.)

IV. Government ownership and operation will mean: that
  A. The federal government must take over all the public service telephone and telegraph wires.
    1. There are 1,800,000 miles of telegraph wire. (Report of the Post Office Department, p. 8.)
    2. There are 18,179,000 miles of telephone wire. (Report of the Post Office Department, p. 9.)
    3. The cost of the government will be a little less than $900,000,000. (Report of the Post Office Department, p. 12.)
  B. The federal government must operate all the telephone and telegraph systems.
    1. 220,000 employees must be provided. (Report of the Post Office Department, p. 12.)
    2. Facilities must be maintained.

V. The issues in this question of federal ownership are:
  A. Is there dissatisfaction with the present system of private ownership and operation of the telephones and telegraphs?
  B. Is government ownership the best means of securing the best service at the lowest rates?

VI. The negative side will attempt to prove: that
  A. There is no great dissatisfaction with the present system of private ownership and operation.
  B. Government ownership and operation cannot secure better service.
  C. Possible nominally lower rates under government ownership will offer no actual advantages

DISCUSSION

I. There is no great dissatisfaction with the present

system of private ownership and operation of the telephones and telegraphs.

A. Popular demand is not sufficient to justify such a radical change as government ownership.

1. Congress has never taken any action on the large number of bills for government ownership introduced.

a. Such bills have been introduced without result seventeen times. (Judson, *Government Ownership of the Telephones and Telegraphs.*)

2. Postmaster generals for the last twenty-five years have been advocating government ownership and operation. (*Government Ownership of the Electrical Means of Communication,* by the Post Office Department.)

3. Popular opinion is satisfied with the present laws for the regulation of public service corporations.

a. The people are still indifferent to government ownership. (Editorial, Rochester *Union Advertiser,* Dec. 19, 1913.)

b. The people are even antagonistic to government ownership.

(I) The voice of the press shows that the people have proclaimed against government ownership of the telephone and telegraph. (Washington *Herald,* Jan. 5, 1914.)

c. Complaints against the private owned telephone and telegraph system are few.

(I) A survey of the periodicals for the year show little complaint.

4. Lack of confidence by the people makes government ownership and operation impractical.
   a. Such a great enterprise should have public support.
      (I) Its success depends upon public patronage.

B. America has the best telephone and telegraph service in the world.
   1. American service is the most extensive.
      a. Government owned systems in Europe are far behind us in telephone development.
         (I) On our basis of development, England should have 3,650,000 instead of 750,000 telephones. (C. S. Goldman, Chairman of Parliament Telephone Committee, in *19th Century,* Vol. 76, p. 375.)
         (II) Germany should have 3,700,000 instead of 950,000. (Henry L. Webb, *Development of the Telephone in Europe,* p. 21.)
         (III) France should have 2,500,000 instead of 215,000. (Henry L. Webb, p. 22.)
      b. American rural development is the best in the world. (Henry L. Webb, *Telephone Development in Europe,* p. 24.)

c. America has more miles of telegraph wire. (National Civic Federation *Report*, p. 57.)

d. America has more telegraph stations. (*Journal Telegraphique*, Vol. 37, pp. 104–5.)

2. The extensive service makes the telephone and telegraph many times more valuable to Americans.

a. Value increases with the number of people reached.

3. America has the most reliable service.

a. Telephone connections within reasonable time can be depended upon. (National Civic Federation *Report*, p. 56.)

(I) The facilities are adequate.

(II) American facilities are on the basis of maximum traffic. (A. N. Holcombe, in *Quarterly Journal of Economics*, Vol. 28, p. 583.)

b. Telephone service here is not subject to interruptions.

(I) The equipment of the private companies is modern.

(II) European systems are swamped with complaints about disconnections. (*French Budget for Post and Telegraphs*, by M. Steeg, pp. 89–91.)

c. There are few errors in telegrams.

(I) The operators are experienced.

(II) Telegrams in Europe are un-

decipherable. (Item from the Report of the Italian Postal Telegraph Clerks Association in American Telephone and Telegraph Company's Briefs, C 3d Item 5.)

4. America has the most continuous service.
   a. Telegraph offices are open longer here.
      (I) 19% of the Western Union offices are open day and night. (Judson, *Government Ownership of Telephones and Telegraphs*, p. 131.)
      (II) Few European countries have more than 5% of their offices open continuously. (*Journal Telegraphique*, Vol. 37, p. 258.)
   b. American telephone exchanges have longer open hours.
      (I) American exchanges in cities have continuous service.
      (II) In Austria only 1% are open day and night. (*Journal Telegraphique*, Vol. 37, p. 254.)
      (III) In Germany places under 30,000 are not given service after 9 P.M. (*Journal Telegraphique*, Vol. 37, p. 254.) (National Civic Federation *Report*, p. 52.)
5. America has the most rapid service.
   a. The average time for telephone connections under the Bell system is 16

seconds. (*French Budget for Posts and Telegraphs,* 1907, p. 67.)

b. In Europe the time is often 13 minutes. (*Bulletin* on Subscribers to the Telephone, 1909, p. 3.) (Reproduced in American Telephone and Telegraph Company's *Briefs.*)

c. Long distance connections are secured more quickly here than in Europe. (Editorial, *Daily Mail,* Dec. 27, 1913. In *Briefs,* D1, 241.)

d. Cross continent telegraphs can be sent to and fro sooner than short distance ones in Europe. (National Civic Federation *Report,* p. 52.)

e. The Bell system has affected a saving of 445 years' time to the people in a single year.

(1) It has reduced the time for each call by four seconds. (*Current Opinion,* Vol. 56, p. 56.)

C. American rates are reasonable.

1. The haul is longer in the United States.

a. More than 90% of the telegraph traffic in England is not over 150 miles. (Judson, *Government Ownership of Telephones and Telegraphs,* p. 136.)

b. More than 50% of Western Union business is over 200 miles (Judson, p. 136.)

c. Average haul in Belgium is 42.5 miles.

d. Less than 5% of Western Union

business is under 42.5 miles. (Judson, p. 136.)

e. The average haul of a Western Union telegram is farther than the maximum haul in some of the European countries.

(I) It is 570 miles. (Judson, p. 135.)

f. The average haul of a Western Union night letter is 1025 miles.

g. The maximum haul in every country except Russia is less than 1025 miles. (Judson, p. 136.)

2. The quality of service in America makes American rates reasonable.

a. Poor service is dear at any price.

b. American service is superior in every way to that of other countries.

c. The slightly lower cost of European service does not sufficiently compensate for inferiority.

3. In actual money cost, a comparison with foreign rates is not much in America's disfavor.

a. In American cities, from 78 to 94% of subscribers are paying less than foreign minimum rates.

(I) Average minimum rate abroad is $28.80 for telephone, as against $23.17 in the United States. (Table of telephone rate statistics in National Civic Federation *Report,* pp. 53–5.)

b. Foreign domestic ordinary telegraph rates approximate American.

(I) The rates for a ten word message in Europe vary from 20¢ to 26¢.

(II) The rate for a ten word message in the United States is 25¢. (Judson, *Government Ownership of Telephones and Telegraphs*, p. 135.)

c. Foreign domestic urgent rates (equivalent to regular American service) are considerably higher than American rates.

(I) Rates for similar number of words are sometimes three times higher than American rates. (Judson, p. 134.)

d. Foreign international rates are higher. (American Telephone and Telegraph Co's *Report*, Supplement No. 9, p. 15.)

II. Government ownership of the telephones and telegraph cannot secure better service or lower rates.

A. Government enterprise in a democracy is never as efficient as private enterprise.

1. It is impossible to secure the same continuity of policy under changing administrations.

a. A design carefully thought out is necessary in a large and efficient project. (Extract from Report by Wisconsin State Board of Public Affairs in American Telephone and Telegraph Co's *Brief*.)

(I) It must run through a long period of years.

(II) It must have certain financial support.

(A) Efficient development of a system requires constant expenditure of capital years in advance of requirements. (Henry L. Webb in *Development of the Telephone in Europe.*)

(III) The personnel behind it should be the same.

b. Frequent changes make impossible a permanent plan. (Sydney Brooks in *North American Review,* Vol. 195, p. 541.)

(I) Democracies change officials frequently.

(II) New officials usually have had no connection with former policy.

(III) Each new official has a plan for the department.

c. Uncertainty of appropriations makes definite planning impossible.

(I) Voting of appropriations is governed by political rather than actual needs. (A. Lincoln Lavine in *Why Governments Fail,* p. 15.)

(A) Elaborately prepared estimates are tossed aside by appropriation committee.

(B) Committee estimates

are subject to political pressure in the legislature.

(II) A legislature may kill a public service by failure to make appropriations. (A. Lincoln Lavine, *Why Governments Fail*, p. 4.)

(III) An executive may cut off funds by veto.

d. Efficient development is impossible where a free flow of capital is restricted.

(I) Development must be a matter of capital investment.

(II) Capital in sufficient quantities is hard to secure.

(III) The curse over business is political control. (Henry L. Webb, *Development of Telephone in Europe*, p. 19.)

e. Private enterprise is subject to none of these conditions.

(I) The policy is continuous.

(A) The directors hold office for long terms.

(II) Changes in actual business heads are seldom.

(III) Appropriations are definite.

(A) Money is voted by the directors.

(B) Needs for future years can be cared for.

(C) Actual needs are not

subject to other influences.

2. It is impossible to secure the same efficient management.
   a. Officials hold office for too short terms.
      (I) It takes two years to become acquainted with the work. (David C. Owen, former Post-Master at Milwaukee. Personal interview.)
      (II) They are replaced just when they become efficient.
         (A) England has had eight post-master generals in twenty years. (Mr. Richard Burbridge, Member of Committee on Conditions of Employment in the Post-Office, in American Telephone and Telegraph Co's *Briefs* B2–79.)
   b. The best men will not enter government service. (Sydney Brooks, *North American Review*, Vol. 195, p. 737.)
      (I) A government does not assure a secure position.
      (II) It offers no hope of advancement.
      (III) Governments do not pay good salaries.

(IV) Better positions are obtained in private life.

c. Political influences are not kept out of official appointments.

(I) Offices are still considered the spoils of the victors.

(II) Appointments are made in return for party services.

(A) 16,000 new post-masters were appointed by Wilson in the first year. (*Saturday Evening Post,* p. 77, April 18, 1914.)

(III) Education and training are not considered. (*Literary Digest,* Vol. 44, p. 146.)

d. Private enterprise is the recognized ideal in efficient management.

(I) Officials are appointed indefinitely.

(II) Officials are chosen for business ability.

(A) They are chosen from those most interested in the enterprise. (Sydney Brooks, "Aspects of Public Ownership," *North American Review,* Vol. 194, p. 541.)

(III) The greatest brains in the world go into private enterprise. (Sydney Brooks, *North*

American Review, Vol. 194, p. 541.)

(A) Security of position attracts the brilliant young men.

(B) Efficiency is almost certain to bring advancement.

(C) Private life offers attractive salaries.

3. It is impossible for government departments to act with freedom.

a. Officials are not clothed with plenary power.

(I) They must secure legislative approval before action.

(A) It took twenty years to induce Congress to authorize the Parcel Post. (Springfield *Homestead,* Oct. 18, 1913.)

(II) They cannot spend money with freedom.

(A) A definite appropriation must be made for every bit of work. (A. Lincoln Lavine, *Why Governments Fail,* p. 4.)

b. Officials are subject to outside influences.

(I) Unreasonable sectional or class demands must be satisfied. (P. L. McVey, *Modern Industrialism,* pp. 270–1.)

c. Private enterprise has every requisite to produce freedom of action.
   (I) The officials possess full power.
   (II) Action can not be deferred by the wranglings of a large number.
      (A) The body of final authority is small.
      (B) The interest of all is the same.
   (III) Matters of policy do not have to wait a year for a legislative session.
      (A) Meetings for decisive action are frequent.

4. Government officials take a wrong attitude toward an enterprise.
   a. The officials do not exert the watchfulness of private officials. (Senator McCumber, *Cong. Rec.*, Jan. 19, 1914.)
      (I) The incentive of returns is lacking.
         (A) The personal interest is lacking.
   b. Their financial policy is one of injudicious extravagance. (W. M. Daniels in *Public Finance*, p. 215.)
      (I) The interest on the investment is forgotten.
      (II) There is little disposition to worry about.
      (III) They know the whole wealth of the state is behind them.

(IV) Their operation is always 100% more expensive. (Senator McCumber, *Congressional Record*, Jan. 19, 1914, p. 1973.)

B. The inherent weaknesses of government have made a failure of government ownership and operation of the telephones and telegraphs in Europe.

1. The government has not succeeded in giving a standard of service equal to private service.

a. The appropriation system of government has produced a lack of equipment in the European telephone and telegraph systems.

(I) The enterprises are starved because of financial demands for other purposes. (P. L. McVey, *Modern Industrialism*, p. 215.)

(II) The French system is four years behind in equipment. (Yves Guyot, *State and Municipal Management*, pp. 349–350.)

(III) The German appropriation is no more than in 1904. (Webb, *European Telephone Development*, p. 12.)

b. The appointment system has produced inefficient management.

(I) England has had eight official heads in the last twenty years. (Mr. Richard Burbridge, Member of Parliament Com-

mittee on Conditions of Employment in the Post Office. American Telephone & Telegraph Co's *Briefs* B2–79.)

(II) It is impossible in two and a half years to become efficient in a technical system.

c. Lack of equipment and inefficient management have produced poor service.

(I) The service is unreliable.

(A) Telegrams do not arrive. (Report of the Italian Postal Telegraph Clerks Association, American Telephone and Telegraph Co's *Briefs,* C3d, Item 5.)

(B) Telegrams arrive so late they are useless. (Italian Postal Telegraph Clerks Ass'n.) (News Item in *L'Auto-Paris,* Aug. 31, 1913.)

(C) Telegrams are undecipherable. (Italian Postal Telegraph Clerks Ass'n.)

(D) Telephones are indistinct. (Petition to Imperial Postal Administration. *Briefs,* D1–200.)

(E) Conversations are interrupted.

(II) Service is not continuous.

(A) Both telephone and telegraph offices are open only part of the day in a majority of places. (Judson, *Government Ownership of the Telephones and Telegraphs,* p. 134.

(III) Service is not extensive.

(A) All France has less 'phones than Chicago. (New York Telephone Co. *Bulletin,* p. 27.)

(B) All Russia has less 'phones than Philadelphia. (New York Telephone Co. *Bulletin,* p. 27.)

(C) Value to the European subscriber is ten times less than in United States. (Hugo Meyer, *Public Ownership and the Telephone in Europe,* p. 361.)

(IV) Service is slow.

(A) Telephone connections in the same city require many minutes. (Buffalo *Times,* Sept. 9, 1914. Norman E. Mack. Report of

French Budget for Posts and Telegraphs in American Telephone and Telegraph Co's *Briefs* D1–237.)

(B) Long distance connections require hours. (Herr Haberland in *Briefs*, D1–92.)

(C) Telegrams take hours and days. (Editorial in New York *Press*, December 23, 1913.)

(V) Emphasis has been put on nominally cheap rates rather than service.

(A) Administrations have courted popularity by cheap rates. (Henry L. Webb, *Development of the Telephones in Europe*, p. 67.)

(B) The practice has been to let the traffic overwhelm the facilities.

d. The governments have not given actually cheap rates.

(I) The rates should be very cheap, and

(A) The systems are compact. (Norvin Green, *North American Review*, Vol. 149, p. 569.)

(B) Population is dense.

(C) The lines are located

in an open country.

(D) The rates for operators are less than one-half of those paid operators here. (Norvin Green, *North American Review,* Vol. 149, p. 569.)

(I)' The rates are not cheap.

(A) Domestic rates are only slightly lower than American. (Judson, *Government Ownership of Telephones and Telegraphs,* p. 136.)

(B) Rates for distances over the maximum domestic distance are higher than in the United States. (Judson, *Government Ownership of Telephones and Telegraphs,* p. 136.)

2. Government ownership has not proved a financial success.

a. Annual deficits have resulted in every system.

(I) The deficit in France was $2,160,000. (*Government Ownership of Telephones,* p. 8. M. Mannering.)

(II) The deficit in Germany was $3,500,000. (*Government Own-*

ership of Telephones, p. 8. M. Mannering.)

(III) The deficit in England was $4,700,000. (*Report* of Post-Master General, 1913, p. 34.)

3. Deficits in such government enterprises are not just.

a. 80% of the telegraph messages are sent by a small per cent of the people, and (Western Union Report, 1913)

b. All of the people are taxed to pay the deficits created by the few.

C. The inherent defects of our system of government will make government operation of the telephones and telegraphs a failure.

1. Officialdom brings irresponsibility.

a. There will be no incentive to introduce improved methods. (*North American Review,* Vol. 194, p. 496. Sydney Brooks.)

b. The absence of a desire for gain will bring no desire for increased efficiency.

c. Labor saving devices will not be introduced.

(I) Officials are not interested in reducing the voting strength. (Sydney Brooks in *North American Review,* Vol. 194, p. 496.)

d. Employees will not suggest improvements.

(I) No credit would come to them.

(II) Improvements have not come

from within the Post-Office.

(III) Improvements in the telephone and telegraph have originated in the private owned American system.

(A) Germany has adopted American equipment. (M. Mannering in *Government Ownership*, p. 6.)

(B) The English system has adopted American methods. (Herbert Samuel, Postmaster General of England in 1914, in Parliamentary *Reports*, June 19, p. 52.)

2. The unscientific non-budget system of appropriations will result in deterioration of facilities.

a. The non-budget system leads to looseness and extravagance in appropriations. (Wm. H. Taft, Presidential Message, Jan. 17, 1912.)

b. Congress has not shown itself capable of scientific appropriations. (A. T. Hadley in *Youth's Companion*, April 18, 1912.)

(I) Large amounts of public money are wasted yearly on unnecessary improvements of rivers and harbors. (A. T. Hadley, *Youth's Companion*, April 18, 1912.)

(II) Much needed improvements are neglected. (A. T. Hadley, *Youth's Companion,* April 18, 1912.)

(III) Congressman are more concerned with district demands than national needs. (Frederick A. Cleveland, Chairman of Committee on Economy and Efficiency in *Review of Reviews,* April, 1912.)

(A) River and harbor bill provided for 296 out of 391 congressional districts in 1910.

(B) 282 Congressional districts received appropriations in the Public Building Bill. (Herbert Fuller in *World's Work,* Feb., 1911.)

c. The needs of the telephone and telegraph service will be subject to the political system of appropriations.

(I) Not a bit of work will be possible without appropriations.

(II) Appropriations will depend upon party purposes. (A. Lincoln Lavine, *Why Governments Fail,* p. 4.)

(III) The enterprise will be starved for other demands. (P. L. McVey in *Modern Industrialism,* pp. 270–1.)

(A) The money that goes

into the working of the telephone and telegraph business makes no display.

(B) Public buildings give something to attract public attention to successful congressmen. (Herbert Fuller in *World's Work,* Feb., 1911.)

(C) Army and navy posts are considered of sectional advantage.

(IV) The enterprise will deteriorate.

(A) The American standard of service is only attainable by elaborate organization. (*Government Ownership of Telephones,* p. 8. By M. Mannering.)

3. The political system of appointment will produce inefficiency in telephone and telegraph operation.

a. The management will come into the hands of political appointees.

(I) The telephone and telegraph system will be used primarily as a political machine.

(A) The Post-Office is used to retain control in the hands of the party in power. (Theodore

Roosevelt in *Outlook*, Vol. 100, p. 769.)

(B) The 221,000 offices will be a tempting field for political exploitation. (National Civic Federation *Report*, p. 22.)

b. The political appointees will be inefficient men.

(I) They will not be appointed because of training or ability.

(A) Postmasterships are rewards for party service. (Theodore Roosevelt in *Outlook*, Vol. 100, p. 769.)

(II) The short tenure of office will not permit the officials to become familiar with the work.

(A) The last ten Post-Master Generals could not at the completion of their term tell the schedule of postal tariffs. (American Telephone and Telegraph Co's Supplement 9.)

(III) The post-office shows the inefficiency of political appointees.

(A) The post-office is the simplest of operations, and (Henry A. Castle, *Survey*, 1912)

(1) The risks involved in the ordinary process of trade are absent.

(2) The investment of capital is small. (National Civic Federation *Report.*)

(A)′ Inefficiency is seen in every operation.

(1) The railroads are receiving excess pay. (Henry A. Castle, former auditor of the Post - Office, *Survey,* 1912.)

(2) The free mail privilege is abused. (Henry A. Castle, *Ibid.*)

(3) Second - class mail constitutes 70% of the tonnage, and

(3)′ It yields but 1% of the revenue. (Henry Castle, *Ibid.*)

(4) The rural mail service is on a poor basis.

(Henry Castle, *Ibid.*)

III. Possible nominally low rates under government ownernship and operation will offer no actual advantages.

A. The rates may not be actually cheap.

1. A big deficit will result.

a. The post-office deficit since 1865 has amounted to 248,000,000. (Report of the Auditor for the post-office departments in Postmaster General's *Report* for year ending June 30, 1912, p. 355.)

2. Taxation for the deficit may produce actually high rates.

a. The deficit must be met by indirect taxation.

b. Indirect taxation will sometimes make government rates higher than private rates. (Frederick A. Ogg in Lecture on government ownership.)

B. Low rates will be no compensation for the inferior service.

1. The public in the long run always demands service first.

2. The dissatisfaction in Europe is because rates have been put before service.

C. The deficit for telegraph and telephone service will be unjust.

1. It will fall on more non-users than users.

a. 80% of the telegrams are sent by a small per cent of the people. (Western Union *Report*, 1913.)

CONCLUSION

I. The negative have shown the following:
   A. There is no great dissatisfaction with the present system of private ownership and operation.
      1. Popular demand is not sufficient for a radical change to government ownership.
      2. America has the best telephone and telegraph service in the world.
      3. American rates are reasonable.
   B. Government ownership and operation cannot secure better service.
      1. Government ownership in a democracy is never as efficient as private enterprise.
      2. The inherent weaknesses of government have made a failure of government ownership and operation of the telephones and telegraphs in Europe.
      3. The inherent defects of our system of government will make government ownership and operation of the telephones and telegraphs a failure.
   C. Possible nominally low rates under government ownership will offer no actual advantages.
      1. The rates may not actually be cheap.
      2. The low rates will be no compensation for the inferior service.
      3. The deficit will be unjust.

II. We therefore conclude that the federal government should not own and operate all public service telephone and telegraph lines.

APPENDIX C

(A student's brief, outline, and speech)

1. A STUDENT'S BRIEF

By E. A. Moffatt

Resolved: that the federal income tax exemption limit should be lowered by at least one thousand dollars.

INTRODUCTION

(Affirmative)

I. The question of lowering the federal income tax exemption limit has recently been agitated.
   A. Many people feel that the present system has not been a financial success.
   B. Others believe that the principle of the high exemption is wrong.

II. The following historical facts are of interest in considering the present system:
   A. A federal income tax was in operation during the Civil War.
   B. An unsuccessful attempt was made in 1894 to revive the income tax.
   C. The present law went into effect in October, 1913.

III. The following features of the present income tax should be understood in order to discuss the proposition:
   A. A tax of one per cent. is levied on all incomes over $4,000, in the case of married people.

B. The exemption is $3,000 for unmarried people.

C. An additional tax is levied on incomes exceeding $20,000:

1. A tax of 1% is levied on incomes between $20,000 and $50,000, 2% between $50,000 and $75,000, 3% between $75,000 and $100,000, 4% between $100,000 and $250,000, 5% between $250,000 and $500,000, and of 6% on all incomes exceeding $500,000. (Political Science *Quarterly*, March, 1914, p. 16.)

D. A person's taxable income is obtained by deducting from his income from all sources the following items: Taxes, interest on indebtedness, losses sustained in business, bad debts, expenses of carrying on business, a reasonable allowance for wear and tear on property, and dividends from the stock of corporations.

IV. Certain facts will be ignored as being irrelevant to this discussion:

A. Provisions relating to the tax on corporations will be ignored.

B. The "collection at the source" principle will be ignored.

V. The issues are as follows:

A. Does the present system discriminate unjustly against those people whose incomes bring them under this tax?

B. Is the proposed change financially advisable?

C. Is the proposed plan just?

VI. The affirmative will attempt to establish its case by proving the following points:

A. The present system is a class tax.

B. The exemption of the present system is based upon the wrong principle.

C. The present system is financially unsatisfactory.

D. The proposed system will advantageously increase the revenues of the government.

E. The proposed system is just.

DISCUSSION

I. The present system is a class tax, for

A. It is "essentially class legislation," for

1. "Such discriminations (as exist in a tax of this sort) lead to oppression and abuses, and general unrest and disturbance in society." (Philip S. Post in *Outlook,* March 2, 1907, pp. 503–8, quoted in Phelps' *Selected Articles on the Income Tax,* p. 106.)

B. It is a tax on the rich, for

1. It is "a tribute on surplus wealth which requires extra expense." (E. R. A. Seligman in Political Science *Quarterly,* March, 1914, p. 12.)

2. A prominent supporter of the tax admits that it is a tax on the rich, for

a. He states that there is much truth at the basis of the claim that it is a class tax on the rich. (Roy G. Blakey, Professor of Economics at Cornell University, in *Outlook,* January 31, 1914, pp. 256–260.)

b. His argument to offset this fact is weak for

(I) He states that the new tariff is a tax on the poor, and that this offsets the other fact. (*Outlook*, January 31, 1914, pp. 256–260.)

C. It is a tax on industry and commerce as against agriculture, for

1. The farmer makes no return on what he consumes of his own production, in contrast to others who must make a return on their living expenses, for

a. The act says that living expenses may not be deducted. (Mortimer L. Schiff in *Annals* of the American Academy, March, 1915, pp. 15–31.)

2. Professor Blakey admits that there is much truth at the basis of this claim. (*Outlook*, January 31, 1914, p. 257.)

II. The exemption of the present system is based upon the wrong principle, for

A. It touches far too small a part of the population, for

1. In the period ending December 31, 1913, only 357,598 people paid the tax, or less than one-half of one per cent. of the total population.

2. Considering families as composed of five people, only one and one-half per cent. of the population paid. (Mortimer L. Schiff in *Annals* of

the American Academy, March, 1915, pp. 15–31.)

B. It is much higher than that of any other country, for

1. In Prussia the exemption is 900 marks, or $214, with a rising percentage of taxation as the income increases. (K. K. Kennan, *Income Taxation, Methods and Results in Various Countries,* pp. 86–106.)
2. A proposed French system was planned on the basis of exempting about $240. (K. K. Kennan, *Income Taxation,* pp. 75–85.)
3. The Austrian exemption is $240, with a rising rate of taxation as the income increases, and with a certain system of small abatements, irrelevant to this discussion. (K. K. Kennan, *Income Taxation,* pp. 35–44.)
4. In the English system before the present war, the exemption was placed at approximately $778, as contrasted with two earlier systems which placed the exemption at $292, and $500, respectively. (K. K. Kennan, *Income Taxation,* pp. 58–74.)

C. The use of the "minimum of comfortable existence" as a basis for the exemption is undesirable, for

1. This cannot be determined to the satisfaction of everyone, for
   a. The great mass of Americans do not expect to give their

children a college education, as is urged in support of the high exemption. (E. R. A. Seligman in Political Science *Quarterly,* March, 1914, pp. 1–27.)

2. It violates the rule laid down by Adam Smith in his *Wealth of Nations,* for
   a. He states that the subjects of a state should contribute according to their abilities, that is, according to the income enjoyed under the protection of the state. (M. L. Schiff, in *Annals* of the American Academy, March, 1915, p. 16.)
3. Other writers than Adam Smith support the same view, for
   a. David Ames Wells says that citizens should contribute in proportion to their revenue. (In the *Forum,* March, 1894, pp. 1–3, quoted in Phelps: *Selected Articles on the Income Tax,* p. 61.)
   b. The burden of taxation should be according to the service that the state renders to the individual. (*Outlook,* October 16, 1909, pp. 328–9.)
4. It classes non-payers as paupers in the eyes of the government, for
   a. The exemption of $4000 assumes that a citizen should

be worth $80,000, using a very fair rate of interest.

b. Non-payers of the tax receive the same benefits from the state that those who pay receive, without the personal realization of having a stake in the government. (*World's Work*, March, 1916, pp. 481–2.)

c. Authorities support this view, for

(I) "Any exemption is an act of charity by the government." (D. A. Wells in *Forum*, March, 1894, pp. 1–13, quoted in Phelps: *Selected Articles*, p. 61.)

(II) Unless every citizen pays something to the government he is "put in the conscious position of a pauper of the government." (Philip S. Post in *Outlook*, March 2, 1907, pp. 503–8, quoted in Phelps, p. 106.)

(III) It is "quite proper that every citizen who is not a beggar should pay some-

thing for the maintenance of his government." (*Review of Reviews,* May, 1913, p. 524.)

5. The use of this rule as a basis for exemption may produce undesirable results, for
   a. As the demand for revenue increases, the government is apt to tax those already taxed *more,* instead of taxing other people. (Mortimer L. Schiff, in *Annals* of the American Academy, March, 1915, p. 17.)
   b. Legislators, by not hesitating to tax certain people more, will be lead to extravagance. (Mortimer L. Schiff, *Annals* of the American Academy, March, 1915, p. 17.)
   c. The great mass of people will be liable to take little interest in the governmental extravagance, for
      (I) They will pay none of the new tax if it is levied on the same people. (R. G. Blakey in *Outlook,* January 31, 1914, pp. 256–60.)

D. A figure more nearly approaching the "minimum of subsistence," such as would exist

under the proposed plan, is desirable for the exemption limit, for

1. Other income tax laws and proposed laws had (or have) a much lower exemption than this law, for
   a. The law of 1861 had an exemption of $800; that of 1862 an exemption of $600; that of 1867 an exemption of $1000; that of 1870 an exemption of $2000.
   b. The Wisconsin income tax law has an exemption of $800 for the individual, $1200 for husband and wife, and $200 additional for each child under 18 years, or other dependent person. (Thomas E. Lyons, Wisconsin Tax Commission, in *Annals* of the American Academy, March 1915, pp. 77–86.)
2. Authorities recognize the validity of this principle, for
   a. "The exemption of a certain minimum income (the 'minimum of subsistence') is recognized in most fiscal systems." (Benjamin Taylor in *Quarterly Review,* April, 1907, pp. 137–140, quoted in Phelps: *Selected Articles on the Income Tax,* p. 138.)
   b. "J. S. Mill, who has contended so ably for the soundness of

the principle of the income tax, says that the amount required for the necessities of life . . . should be exempt from taxation." (George A. Butler in *New Englander,* January, 1891, quoted in Phelps: *Selected Articles on the Income Tax,* p. 88.)

c. "Owing to the comparative equality of fortunes (in the United States) the exemption, *if any exemption is to be permitted,* should be extremely low." (D. A. Wells, in *North American Review,* March, 1880, quoted in Phelps: *Selected Articles on the Income Tax,* p. 92.)

3. Prominent authorities favor the reduction of the exemption limit in the present system, for

a. Mortimer L. Schiff recommends that the exemption be reduced to such a figure as to make only those exempt who have substantially no source of income, except their wages. (*Annals* of the American Academy, March, 1915, pp. 15–31.)

b. E. R. A. Seligman, Professor of Political Economy at Columbia University, a supporter of the present system,

admits that the "controlling reasons for so high an exemption were primarily political." (Political Science *Quarterly*, March, 1914, p. 12.)

c. R. G. Blakey, a very ardent supporter of the existing law, stated in 1913 that those with incomes down to $2000 should report them, and that "in another year or two the exemption should be lowered." (*Annals* of the American Academy, March, 1915, pp. 32–43.)

III. The present system is financially unsatisfactory, for

A. It fails to provide the expected return, for

1. The net return for the first fiscal year of the tax brought in only $31,000,000, or about *$23,000,000 less* than was estimated. (*Journal of Political Economy*, July, 1914, pp. 696–698.)
2. Succeeding years have failed to raise the amount which was hoped for.
3. This failure has been expressed by the recent agitation for a reduction of the exemption.

B. A supporter of the present system admits that it is financially unsatisfactory, for

1. R. G. Blakey says that the "receipts were disappointing." (*Annals* of the American Academy, March, 1915, p. 33.)

2. The reason he gives for not lowering the exemption to increase the revenue, "because it would arouse influential opposition," is weak, for (*Annals* of the American Academy, March, 1915, p. 34)
    a. The true democratic form of government will not be dictated to by an "influential opposition."

IV. The proposed system will advantageously increase the revenues of government, for
  A. R. G. Blakey admits that there are a great number of incomes just within the present system's exemption, which would be reached by the proposed change, for
    1. He says that a reduction of just $200 would catch a great number of people. (*Annals* of the American Academy, March, 1915, p. 35.)
    2. He grants that a reduction of $1000 might include as many more people as now make a return. (*Annals* of the American Academy, March, 1915, p. 36.)
  B. The Wisconsin state income tax shows the satisfactory financial returns where a lower exemption exists, for
    1. This tax, based on the exemption of $1800 for a family of five, has returned about $4,000,000 a year gross, and over $2,000,000 a year net, which is one twenty-fifth of all that the United States income tax returns in all states. (T. E. Lyons in

Annals of the American Academy, March, 1915, pp. 77–86.)

C. If the United States applied the British peace rates, such as existed before the war, to only such incomes as are likely to be taxed by a reduction, we would enormously increase the return from the tax, for

1. We would then raise about $250,000,000 a year, which is $200,000,000 more than we now get. (*Everybody's Magazine,* October, 1916, p. 512.)

V. The proposed system is just, for

A. Opponents of the proposed change do not base their arguments on the injustice of the change, for

1. They oppose change because of the easier administration of a fewer number of incomes. (*Outlook,* January 31, 1914, pp. 256–160.)
2. They fear to arouse "influential opposition." (*Annals* of the American Academy, March, 1915, p. 34.)

B. The increased percentage of the population paying the tax will benefit by the change, for

1. They will feel that they have a personal stake in the government.
2. They will resist extravagance in the government, for
   a. They will be the ones affected by extravagance.

C. The use of an amount more nearly approaching the "minimum of subsistence" as the exemption limit is just, for

1. It has proved satisfactory in the Wisconsin state income tax law. (*Annals* of the American Academy, March, 1915, pp. 77–86.)
2. This basis has been sanctioned by use in the past, for
    a. The minimum of subsistence has been recognized in most fiscal systems. (Benjamin Taylor in *Quarterly Review*, April, 1907, quoted in Phelps, p. 138.)
3. The eminent economist J. S. Mill advocated exempting the amount required for the necessities of life. (Phelps' *Selected Articles*, p. 88.)
4. This amount can be determined to a greater degree of accuracy than can the "minimum of comfortable existence," or any other like basis for the exemption.

CONCLUSION

I. The affirmative has proved the following points:
- A. The present system is a class tax, for
    1. It is "essentially class legislation."
    2. It is a tax on the rich.
    3. It is a tax on industry and commerce as against agriculture.
- B. The exemption of the present system is based upon the wrong principle, for
    1. It touches far too small a part of the population.
    2. It is much higher than that of any other country.

3. The use of the "minimum of comfortable existence" as a basis for the exemption is undesirable.
4. A figure more nearly approaching the "minimum of subsistence," such as would exist under the proposed plan, is desirable for the exemption limit.

C. The present system is financially unsatisfactory, for
1. It fails to provide the expected return.
2. A supporter of the present system admits that it is financially unsatisfactory.

D. The proposed system will advantageously increase the revenues of government, for
1. R. G. Blakey admits that there are a great number of incomes just within the present system's exemption, which would be reached by the proposed change.
2. The Wisconsin state income tax shows the satisfactory financial returns where a lower exemption exists.
3. If the United States applied the British peace rates, such as existed before the war, to only such incomes as are likely to be taxed by a reduction, we would enormously increase the return from the tax.

E. The proposed system is just, for
1. Opponents of the proposed change do not base their arguments on the injustice of the change.
2. The increased percentage of the popu-

lation paying the tax will benefit by the change.

3. The use of an amount more nearly approaching the "minimum of subsistence" as the exemption limit is just.

II. The affirmative therefore maintains that the federal income tax exemption limit should be lowered by at least one thousand dollars.

BIBLIOGRAPHY

"Income Taxation: Methods and Results in Various Countries," by Kossuth K. Kennan. (Burdick and Allen, Milwaukee, Wis., 1910.)

"Selected Articles on the Income Tax, with Special Reference to Gradation and Exemption," by Edith M. Phelps. (2d Edition, H. W. Wilson Co., Minneapolis, Minn., 1911.)

Annals of the American Academy, March, 1915.

"Amending the Federal Income Tax," by R. G. Blakey; pp. 32–43.

"Newer Tendencies in American Taxation," by E. R. A. Seligman; pp. 1–11.

"Some Aspects of the Income Tax," by Mortimer L. Schiff; pp. 15–31.

"The Wisconsin Income Tax," by T. E. Lyons; pp. 77–86.

Everybody's Magazine, October, 1916.

"What a British Income Tax Would Do to Us"; p. 512.

Journal of Political Economy, July, 1914.

"The Yield of the Income Tax"; pp. 696–698.

Outlook, October 16, 1909, pp. 328–329.

Outlook, April 19, 1913.

"The Income Tax"; pp. 848–851.

Outlook, January 31, 1914.

"The Income Tax Exemption," by R. G. Blakey; pp. 256–60.

Political Science Quarterly, March, 1914.

"The Federal Income Tax," by E. R. A. Seligman; pp. 1–27.

Review of Reviews, May, 1913.

"Graduation of Income Rates"; p. 523.

"European and American Contrasts"; p. 524.
World's Work, March, 1916.
"The Income Tax Stands"; pp. 481–482.

2. OUTLINE OF A SPEECH ON "THE FEDERAL INCOME TAX"

Central theme. The federal income tax exemption limit should be lowered by at least one thousand dollars.

Purpose. To present the above proposition to a student organization, which would be interested chiefly in the *social* need of lowering the exemption.

Introduction. (Purpose: Adaptation to audience.)

I. This student organization is interested in the social aspects of the recent agitation for a lower exemption limit.

II. Certain facts are necessary for an understanding of the discussion.
  A. Several attempts were made before the present law was passed.
  B. Provisions of the present law.

III. The following points will be taken up:
  A. The present tax, with the high exemption, is class tax.
  B. The exemption of the present system is based upon an undesirable principle.
  C. The proposed exemption limit is based upon a desirable principle.
  D. The proposed plan is entirely just.

Discussion. (Purpose: To prove the central theme.)

I. The present tax, with the high exemption, is a class tax.
  A. It is a tax on the rich.
  B. It is a tax on industry and commerce, as against agriculture.

II. The exemption of the present system is based upon an undesirable principle.
    A. It is higher than that of any other country.
    B. It permits only a very small part of the population to be reached directly by the tax.
    C. The "minimum of comfortable existence" as a basis for the exemption is undersirable.
III. The proposed exemption limit is based upon a desirable principle.
    A. Authorities favor the use of an amount more nearly approaching the "minimum of subsistence."
    B. Supporters of the tax favor a lower exemption.
IV. The proposed plan is entirely just.
    A. Each individual paying the tax will be benefited.
    B. The country as a whole will be benefited.

Conclusion. (Purpose: To sum up and drive home the argument.)

I. The following facts have been shown:
    A. The present tax, with the high exemption, is a class tax.
    B. The exemption of the present system is based upon an undesirable principle.
    C. The proposed exemption limit is based upon a desirable principle.
    D. The proposed plan is entirely just.
II. The members of this organization can exert a strong influence toward securing a reduction of at least one thousand dollars in the federal income tax exemption limit.

3. SPEECH, THE FEDERAL INCOME TAX

This opportunity of addressing your society is something for which I am very grateful. Such an organization as you have recently perfected comes as a welcome sign that, despite the words of a good many critics, our American colleges and universities do give students an opportunity of broadening their knowledge of life through contact with new ideas and new speakers to present them. You are all students of society; and, as such, you must be vitally interested in the social aspects of some of our great institutions. This evening I wish to bring before you a few thoughts in regard to our federal income tax, particularly with reference to the social need of lowering the present exmption limit.

Our federal income tax, as most of you undoubtedly know, came, after a struggle of several decades, to be placed on the statute books in October, 1913. Previous to this there had been a great deal of discussion regarding the constitutionality and the advisability of enacting such a law. A tax of this sort was actually in operation during the Civil War as an emergency measure. An attempt was made to revive this in 1894, but, the law was declared unconstitutional. But with the last agitation about the matter, a consitutional amendment was carried and the present law went into effect.

The law provides that a tax of one per cent. be levied on all incomes exceeding $4000 in the case of married people; and on incomes exceeding $3000 in the case of unmarried people. An additional tax is levied on incomes exceeding $20,000, with the rate increasing as the incomes grow larger, but this fact and also a few provisions relating to the collection of incomes at the source, the tax on corporations, and a few others, I shall ignore tonight, since they are irrelevant to this particular discussion. A

person's taxable income is obtained by deducting from his income from all sources taxes, interest on indebtedness, losses sustained in business, bad debts, expenses of carrying on the business, a reasonable allowance for wear and tear on property, and dividends from the stock of corporations. With these facts in mind let us consider four propositions which will show the social need of lowering the exemption limit: (1) The present tax, with the high exemption, is a class tax; (2) The exemption of the present system is based upon an undesirable principle; (3) The proposed exemption limit is based upon a desirable principle; and (4) The proposed plan is entirely just.

Now what evidence is there to support the claim that this is a class tax which, as Philip S. Post declared in the *Outlook*, will "lead to oppression and abuses, and general unrest and disturbance in society"? It is plainly a tax on the rich. How many of us here tonight pay it? Very few, I dare say, expect to pay this tax until they've been out of college for quite a while. Yes, it is admitted by supporters of the system that it falls only upon the rich; a tribute on surplus wealth, as Professor Seligman says. And Professor Blakey would offset his admission of the fact by claiming that the new tariff, being a tax on the poor, should balance this; two wrongs to make a right!

Furthermore, as it now reads, the tax is on industry and commerce, as against agriculture. The farmer is permitted to make no return on what he consumes of his own production; but the city man is allowed no deduction for living expenses, another case of discrimination as Professor Blakey again admits.

My second proposition is that the exemption of the present system is based upon an undesirable principle. Compare it a moment with that of other countries; in Prussia the exemption is $214; a proposed French system was $240; Austria exempts $240; and England's exemption

before the war was $778, as contrasted with two earlier English systems which put the limit at $292 in one case, and at $500 in the other. Think of it! Most of these countries, where the income tax is a fixed institution and where the best of thought has been given to the subject exempt an amount which is *one-twelfth* as great as our lowest exemption.

Why, what percentage of our population do you think is reached by our tax? In the period ending December 31, 1913, only 357,598 people paid the tax, less than one-half of one per cent. of our total population. And later years have failed to show the expected increase in this number. Clearly, too small a part of our population pay the tax.

Advocates of the high exemption declare that it is correctly based upon "the minimum of comfortable existence," and place that minimum at $3000, and $4000, depending upon whether or not one is married. But I submit that this is the wrong principle to use. How are we to determine what is the "minimum of comfortable existence"? The plutocrat will want to measure this in terms of five or six figures; the average laboring man will be happy and comfortable with considerably less than $2000. Some consider a college education necessary; others do not. No two will agree on what is the correct figure.

Using this as the basis, furthermore, violates the rule laid down by Adam Smith in his *Wealth of Nations,* where he says that subjects of a state should contribute according to their abilities, that is, according to the income enjoyed under the protection of the state; and later writers, notably David Ames Wells, have supported the same view.

Again, this exemption classes non-payers as paupers in the eyes of the government. Why, the man who is worth

$80,000 and gets a $4000 income is the only one capable of supporting the government! Although non-payers receive the same benefits from the state as those who pay, they are not charged for their benefits, so that the government is performing an act of charity, putting men, as Philip S. Post says, "in the conscious position of paupers of the government."

The fourth reason for not using the minimum of comfortable existence and the resulting high exemption is, that it may produce undesirable results. As the demand for more money increases it will be so very easy for Congress merely to increase the rate of taxation and further burden those already paying, few as they are. This, in fact, may be so easily done that legislators will be led to extravagance on even a greater scale than now, if that is possible. And the great mass of people, still unreached by the tax, will be slow to check this tendency, just because they do not pay the cost, directly.

But, what then shall be used as the basis for exemption? The answer is to use an amount which is much lower, more nearly approaching the "minimum of subsistence." Previous practice justifies this; the law of 1861 had an exemption of $800; that of 1862, $600; that of 1867, $1000; that of 1870, $2000. The Wisconsin state income tax law, with an exemption of $800 for one individual, of $1200 for husband and wife and $200 additional for each child under 18 years, has proved a decided success, and these figures have been found to amply cover the cost of subsistence.

Furthermore, authorities recognize the validity of this principle. J. S. Mill, who contended very ably for the principle of the income tax, said that the amount required for the necessities of life should be exempt from taxation. David Ames Wells went a step further and said that "owing to the comparative equality of fortunes (in the

United States) the exemption, *if any exemption is to be permitted,* should be extremely low."

And, in regard to the present law, prominent economists and supporters of the law favor a reduction of the exemption limit. Mortimer L. Schiff of New York would reduce it to such a figure as to make only those exempt who have substantially no source of income except their wages. Professor Seligman says that the only reason for the high exemption was a political one; congressmen feared to place it lower on account of the way it might affect the voters, a fact which ought to stir us up, but does n't. Professor Blakey, probably the most ardent of those favoring the law, said in 1913 that those with incomes down to $2000 should report them, and that "in another year or two the exemption should be lowered"! This, it seems to me, argues pretty well for the proposition that the exemption is too high.

Now may I say a few words about the justice of the proposed plan and the benefits which will result from its adoption. With the exemption materially lowered, a much larger part of the population will pay the tax, and every one who pays it will be directly benefited. The feeling that one has a personal stake in the government is a great thing for the individual. Too often we forget that we have a country. We fail to go to the polls, we permit fraud and extravagance to run riot in the government, while we continue our own wild scramble for the Almighty Dollar. Don't you suppose that our paying such a tax will bring a change? *We* will be directly supporting the government. It will be *our* money that is being spent, and if a careless Congress starts in to waste *our* money, we 're going to make a kick, and will either reform our legislators or go down there and do their work as it should be done.

The country as a whole, too, will be vastly benefited by

the change. It is no secret that the present tax has failed miserably to provide the expected return to the government. The first year brought in some $31,000,000, or *$23,000,000 less* than was estimated, and later years have failed to remedy this defect. But a reduction of the exemption limit would materially increase the revenues, Mr. Blakey admitting that a reduction of $1000 would probably catch at least as many incomes again, as now pay. Look at the Wisconsin income tax; it provides a revenue to the state which is one-twenty fifth as great as the total return from the federal income tax in all states, and Wisconsin is not by any means the most populous or richest state. A writer in *Everybody's Magazine* for October, 1916, gives some figures that are vitally interesting in this connection. He says that if the United States applied the British peace rates, such as existed before the war, to only such incomes as are likely to be taxed by a reduction, we would then raise about $250,000,000 a year, which is $200,000,000 more than we now get! From the financial standpoint, the change would certainly be beneficial to the country. In these few minutes I have tried to show you that our present tax, with its high exemption, is a class tax; that the exemption of the present system is based upon an undesirable principle; that the proposed exemption limit is based upon a desirable principle; and that the proposed plan is just. There are other points which could well be taken up if time would permit, but it has been necessary to confine my remarks to the more social aspects of the matter.

There is little that I can add which will influence your opinions. But as members of this very commendable organization, I am sure that you are entirely open-minded, and will consider these facts in connection with those of your own experience, knowledge, and research, so that the subject will not be one of indifference with you. Then if

you see fit to believe, as I do, that the federal income tax exemption limit should be lowered by at least a thousand dollars, it will be your duty as students, as citizens, as leaders in your communities, to use what influence you can to secure that change in the income tax law.

APPENDIX D. 1

BIENNIAL STATE ELECTIONS

(From the Boston *Herald*)

Material to be arranged in brief form, as part of the discussion (omitting introduction and conclusion) of the proposition, "Resolved: that Massachusetts should have biennial state elections."

The weakest feature of Massachusetts government today is the practice of choosing all our elective state officials for a one-year term. Every other state in the Union provides a longer term for its Governor and senators. Only three (including Massachusetts) retain the plan of electing their representatives annually. One state after another has amended its constitution in order to diminish the frequency of elections and to secure greater continuity of public policy. The time has surely come for this commonwealth to take similar action.

The advantages which arise from the system of biennial elections, as shown by the experience of other states, are manifold and substantial. Where a two-year term is established it has been found that candidates of a distinctly better grade come forward for election. The legislators, moreover, are given a far greater opportunity to become familiar with public problems, and hence are able to do their work more intelligently. Everywhere it has been proved that the biennial system reduces the number of measures that find their way to a place in the statute book, and if we could in Massachusetts reduce our legislative output by a considerable percentage we would, on the whole, be much better off. Finally, the adoption of

biennials means a saving in the expense of holding elections, besides giving the voters of the commonwealth a measurable relief from the eternal round of annual primaries and pollings which our present system requires. No state which has lengthened the terms of its Governor and legislators has ever returned to the plan of annual elections. That is a significant fact, and one which our constitutional convention should weigh carefully.

APPENDIX D. 2

(Argumentative Address)

THE RESTORATION OF OUR MERCHANT MARINE[1]

Before I discuss the shipping bill now before Congress, which I have been fighting to pass for the last two years, I desire to give my views generally on what will build up an American merchant marine. I read with interest the proceedings of the United States Chamber of Commerce in Washington a few days ago. Unfortunately, from start to finish, it was devoted to the advocacy of ship subsidy. Gentlemen, think of it, a ship subsidy urged at this time, when any man who owns a vessel in the shape of a ship, steam or sail, can get such prices for his service, that if the government were to give him a subsidy it would be a shame to take the money. (Applause.) And yet this great body, this National Chamber of Commerce, stood there and asked for a subsidy. You know, Mr. Chairman, and I know, that the greatest absurdity today would be to go before Congress in behalf of the shipowners and say, "My clients, those I represent, are receiving now in freights from 100 to 1,000 per cent more than they ever did before, but I ask you earnestly to give them a subsidy in addition." You, gentlemen, are in this section of the Union that has devoted more of its energy to upbuilding the merchant

[1] Address by Hon. Rufus Hardy, Congressman, Sixth Texas District, before the Economic Club of Boston, February 23, 1916. Printed in the *National Economic League Quarterly*. 1 : 12–27. May, 1916.

marine than any other section, and I ask you what do you think of such a request? The great body of our people who have not been directly interested in shipping have contributed millions to improving our harbors and canals and rivers so that your ships and the ships of commerce generally may safely enter and traverse them. That is sometimes called a subsidy by those who seek to find countenance for their demand, but it is not a subsidy. It is a public improvement. It does not go into the pocket of any particular individual or corporation. A subsidy is not distributed in that way. The beneficiaries of a subsidy hang like hungry dogs around a table waiting for the crumbs to fall.

I must tell you that I was glad to find your chairman able to state and stating so fairly the facts in regard to England's merchant marine. He tells you that England never has given a subsidy to her cargo ships. She has paid certain sums, but for every dollar she has ever given she has demanded full service in return. She has built, under the direction of her admiralty, certain ships which might be easily turned into war vessels and so constructed that they could not be very economically operated in commerce, but yet constructed with a view of avoiding the expense of keeping them idle in times of peace while having them ready for a time of war; and a few vessels, not amounting to 5 per cent of Britain's total tonnage, have received, not a subsidy, but what is in effect very fair and just compensation for carrying the mails and for other public service rendered and service contracted to be rendered in certain contingencies. But suppose it could be shown that England did subsidize some of her fast ships, how would that help the other and unsubsidized vessels of her vast marine? How would it help Mr. Smith operating his vessel, if Mr. Jones, operating a vessel in competition with him, got a sub-

sidy? Pardon me for discussing this question at some length. I do so because it has a fascination for the shipowners, and it is shrewdly pushed to the fore by the shipbuilding interests which, under our present laws, have a monopoly of building ships for the American flag. Special favor and privilege are always fascinating, and the recipients of them are always overflowing with reasons to justify them. Our shipbuilders have always enjoyed a monopoly of our flag by prohibitory laws. This did not matter so long as they built as good or better ships for the money than any other builders, but when the time came, as it did come, that they demanded a price of 50 to 100 per cent more than the foreign shipbuilder demanded for the same ship, then, in the language of James J. Hill, competition in our ships, that is under our flag, with foreign ships, became impossible. Then the shipbuilders and owners of America began to look for some way to do business. They could do it in our coastwise trade, of course, because no other ships were allowed there, but on the high seas it was different. If shipowners alone had been originally concerned the way was easy. All we had to do was simply to let the American buy his ship here or elsewhere, and so pay no more for it than did his foreign competitor. But our shipbuilder at that suggestion threw up his hands in holy horror. He declared he could not compete with the foreign builder, and that if you let American citizens buy ships where they please and put them under our flag and sail coastwise as well as over-seas they, the shipbuilders, would be destroyed, and yet they realized that the ship which carried the commerce between nations must do so because it carried it cheapest, and that the cheapest ship made the cheapest transportation. The issue was clear cut. It was either put our shipowner on equal terms with the foreign shipowner, or give up all participation by our

ships in the foreign trade and hold only to our coastwise trade from which we could exclude the foreigner by law. Since the coastwise trade was about three-fourths, now nearly seven-eighths, of all our trade, the decision was quick and easy for our shipbuilders. They chose to hold the monopoly of building for our coastwise trade and let the foreign trade go to the foreign flags; and American merchants and the American public acquiesced. It was a blind and foolish policy, but urged with many plausible arguments. They said, "Let us enjoy our coastwise monopoly and by building many ships we will soon bring down the price to the level of the foreign price, but if you open up the ship market you will utterly destroy us, and then the foreign shipbuilder will double his price; and besides," they said, "if war should come we would have no shipyards and be at the mercy of our enemy." Finally they said shrewdly, "if American capital wants to engage in foreign transportation it can buy the foreign ship, put it under the foreign flag, and so do the business." And this is what American capital did. Later, when the absence of our flag from the high seas became a scandal, we began to hear talk about our ships being driven out by antiquated navigation laws and the heavy burdens imposed by our laws on our shipping. All this talk was vague and general. It was never definite or specific, and it was always accompanied by a clamor for subsidy. The subsidist makes his plea on two grounds: first, our antiquated navigation laws, which he never points out and never seeks to amend; and second, the high wages we pay our seamen. I tell you without fear of contradiction that we have no antiquated navigation laws that impede our navigation save the one which forbids our merchantmen from buying the cheapest ship he can for the money. On the second point, the question of wages, it seems never to occur to him that England

also is a high-wage country, comparatively. Her wages are higher than those of Germany, France, Russia, Norway, Sweden, Holland or Italy, and yet she builds cheaper and better ships than any of them and carries more of the commerce of the world than all of them put together, and she carries that commerce without subsidy.

Senator Burton in a speech in the Fifty-ninth Congress, declared that no nation had ever built up a great merchant marine on subsidy, and he is a profound student of the subject. My own study of the question has fully convinced me of the truth of his assertion. England has won by the skill and bigness and boldness of her enterprise. We must win in like manner or not at all, but if we would win, we must take off the weights and handicaps that prevent us from running an equal race, and then enter the list of competitors seeking to furnish the transportation of the world just as we have entered the list of competitors seeking to furnish the world with the corn, the wheat, the shoes, the machinery, and all the other products of labor.

It is contended sometimes that we now have let foreign-built ships come under our flag by the lately passed Panama Act. I want you clearly to understand the answer. We have done no such thing. We did pretend to do it, but it was only pretense. We passed a bill authorizing the American merchantman to buy a ship wherever he pleased, but in the same bill we said that if it was built anywhere else than in the United States he could only sail it in the foreign trade. Now what does that mean? It means he might put our flag over it; but when he does so, what advantage does he get by doing it? Not a rap of your finger. Under this fraud of a law he cannot do anything under our flag that he could not do under the foreign flag. He may bring goods from Liverpool to New York or Boston and carry goods back

to Liverpool. He could do that under the foreign flag. He gains absolutely nothing. What does he lose? First, he must change his officers when he changes to our flag. These he perhaps cherishes because they have been faithful and serviceable. That is his first difficulty. What next? He loses every distinctive privilege he had under the flag he transfers from. If it is the English flag he loses the privilege of sailing in the coastwise trade of some dozen different nations with whom England has treaties of comity. And moreover, he loses the privilege of sailing in the coastwise trade of Canada. It is safe to say that there is no nation under whose flag a vessel does not enjoy some especial advantage, small or great, and it is certain that by the law in question we offer absolutely no inducement to cause a shipowner under a foreign flag to part with even the smallest advantage. It is said that we in the South are careless in business matters, but that your people are not. As a New England business man, if you owned a ship under the English flag or any other flag, would you change it to the American flag when you understood the simple truth as I have told it to you about this so-called "free-ship law"? The committee I am on reported out that law after I had tried and failed to get them to let such ships engage in our coastwise trade. I told them that not a single ship would come under our flag under its provisions, and no ship did, until the dangers of the present war came, and then some of them took advantage of that law solely on account of our neutral position, and they came with the privilege of retaining their officers because the law requiring American officers was suspended to enable them to do so.

There is one other familiar subject I wish to talk about just a little; the subject of discriminating duties. Your chairman has said that discriminating duties have been

tried by every nation on earth and have failed. That is true. In our early history Jefferson said that as long as other nations levied discriminating duties against us, we must maintain retaliatory duties against them; and that fact has of late years been falsely quoted to show that Jefferson favored discriminating duties. The whole truth is this: when the original thirteen states had separate shipping laws they found that England and other nations were discriminating against them by imposing heavy tonnage dues on American ships entering their ports, and also heavy tariff duties on goods imported in such ships. Then it was found that when a state tried separately to retaliate she could not, because if Boston, for instance, imposed a high duty and New York a lower duty, Boston lost her trade and New York got it. New York and Massachusetts could not agree, and if they had agreed, then Baltimore could come down in her dues and duties, and get the trade. This was the situation when our Federal Constitution was framed. It was one of the things that helped to secure its adoption. All the states desired to have one central power that could put in operation a uniform policy on tonnage dues and tariff duties, and so meet the laws of foreign states which discriminated against them. Among the first laws passed by Congress was therefore one enacting retaliatory discriminating duties and tonnage dues. But as early as 1802, a movement was started to repeal that law and place in its stead upon our statute books a law authorizing the President to negotiate treaties abolishing our discriminating duties as to such nations as would abolish theirs against us. But it so happened that at this time the French Revolution was disturbing all the world. Laws and treaties were everywhere asleep in international affairs. The Napoleonic wars were sweeping the ocean of the merchantmen of nearly all European nations, and our

ships had all they could do. They had a harvest. But just as soon as European peace was proclaimed the leading men of all parties in 1815 in the United States joined in the passage of an act to abolish discriminating duties against all nations that would abolish them as to us. The President was authorized to negotiate treaties to that end. Some eighteen treaties were negotiated in the next ten years. There were many qualifying clauses in these treaties not necessary now to discuss. In this country all parties and the leaders of all parties continually endeavored to make the sea more and more free, but England, with her vast colonial possessions, continued to refuse to meet our overtures. We were particularly anxious to trade freely with the West Indies, and England was anxious that we should not. She practiced all sorts of discriminations against our shipping. President John Quincy Adams and his Secretary of State, Henry Clay, sought every way to make a treaty of reciprocity with her and to abolish these discriminations. They failed. They sent special representatives to England. That failed, but in 1828 President Andrew Jackson sent a special agent to England with authority and instructions to negotiate a treaty and with a message to the effect that a change had taken place in the American administration, that he meant business; and the treaty was finally made. England was the last great nation to give in, and from 1828 down to this day we have practically neither laid nor paid discriminating duties.

I could go into the subject at great length and show you how such duties obstructed commerce and irritated and aggravated nations and injured peoples. I could show you how it came to pass that an owner of cotton who must ship it from Charleston, South Carolina, to Europe, found it better to pay an exorbitant freight and send it on a foreign ship than to send it on American

vessels free, and how England finally closed her West Indian ports to our ships. It is enough to say that discriminating duties force cut-throatism and obstruct commerce, and we do not want them. What we want is to struggle with the world on equal terms on the sea for our part of its carrying trade and its commerce.

The shipbuilding and coastwise interests are constantly talking about our antiquated navigation laws in the public press as the cause of the decay of our merchant marine. I have made them ashamed to talk that way when they come before our committee because I have demanded that they point out the laws they complain of, and shown them that they have never asked for the repeal of a single law. Your chairman tonight is the first man interested in shipping who has ever in my hearing named the real antiquated law which has killed our merchant marine. The shipbuilder will not tell you what it is, but he knows. I have had them tell me in years gone by that our law required our seamen to be given better accommodations than the seamen of any other nation on earth. There is a seaman here (Mr. Furuseth) who will tell you that is not true. I looked at the law. Our law, until last year, required 72 cubic feet of space for each member of the crew to eat, live, and sleep in. England's law requires 120 feet, and France and nearly every other nation requires from 100 to 120 feet. So we have not required better, but poorer, quarters for our seamen. Sometimes they told me that our law prescribed an excessive scale of food. Look at the English food scale, and there is hardly any difference. We have a law, it is true, prescribing a moderate schedule of food, but then, this is allowed to be varied by the terms of the contract under which the seamen enlist, and it is always varied. (Applause.) When I have shown these things and asked again what laws, they are dumb as oysters because they

cannot find a law on our statute books that cripples our merchant marine except the law which your chairman pointed out, and which I have pointed out tonight, and that is the law which prevents you from buying a ship where you please and using it in all our trades. The shipbuilders and coastwise shipowners will not point out that law because they do not want it repealed. Let me show you how impossible it is for us to have a merchant marine until that law is repealed. It was testified before our committee that a ship costing $1,000,000 here would cost $700,000 laid down on the Clyde. Now if you buy the ship here, it will cost you $1,000,000 and you can sail it as an American ship in every trade. If you buy it on the Clyde and put the British flag on it you pay $700,000. Ships are bought on borrowed money. That means that on the American ship you pay interest on $300,000 more than you would on the British ship, and if you pay 5 per cent interest it means $15,000 more interest per year. It means also that you pay insurance on $300,000 more, which I think is generally about 5 per cent, and which would make your insurance $15,000 more per year. A ship is supposed to last twenty years, and 5 per cent is charged off annually for depreciation. Repairs are also estimated to cost annually 5 per cent on the value of the vessel. So by buying the American ship you will pay annually $15,000 more interest, $15,000 more insurance, $15,000 more for repairs and $15,000 more for depreciation, all told, $60,000 more per year under this antiquated law for the blessed privilege of sailing your ship under the American flag with the full privilege of an American vessel. As a man that is not more blind than the cow that can keep in the road, I ask this simple question of you: If you, the most patriotic man in America, were thinking of going into the overseas carrying trade, would you buy the American ship and pay

this $300,000 excess initial cost, and this $60,000 excess annual charge every year? Business men in the carrying trade are not fools, and you see just as well as I do why our merchant marine died.

The live present question for us to solve is: If you give the American shipowner the best and cheapest ship in the world, can he successfully compete in the foreign trade under our flag? If you give him all the privileges pertaining to the American flag and place no more restrictions upon him than are placed upon foreign ships entering our ports, I answer yes. And I will tell you why. Next to America, England pays the highest wages among all the great nations. She pays higher wages than Germany or France. Far higher wages than Italy or Japan, and yet her merchant marine is triumphant over those nations. I have said this before but repeat it in order to say that what England has done, we can do. What England's shipbuilders have done, ours can do. What our steel and iron manufacturers have done, our shipbuilders can do. Our iron and steel manufacturers today, notwithstanding our wages, do turn out the cheapest products in the world. No man will do a thing that is hard to accomplish unless he has to. Just so long as you pamper and pet your shipbuilders and ship operators, and tell them they do not have to enter competition, they will sit back, but when you tell them they are full-grown and must get out and compete for success then America will again build ships and sail them for herself and for the world. (Applause.) So long as our builders can charge the highest price in the world for ships and yet furnish them for seven-eighths of our trade, they will do it. I wish you could all read Mr. Redfield's testimony before our committee. There is a condition now like that on railroads when a new motive power is found, and the old locomotives have to be put into the discard. It is a

condition similar to that of 1855 to '60, when the iron and steel ship began to replace the old wooden ship, and when England began to take the lead of us with her new ships. You know many an invention has failed to find acceptance because it would displace something already in use. The old world, the world that has been carrying the foreign commerce of the United States, has on hand old-style ships, old machinery and small ships. They will cling to them. They will hate to scrap them. We must build a new class of ships, and the material and opportunity is present at our hands. I know little about machinery, but if you will read the testimony of Secretary Redfield, you will find that by standardizing; by using our great steel and iron factories to make wholesale the separate parts which can be assembled and put together where wanted, and by using the internal combustion engine, by using oil instead of coal for fuel, by economizing space in the new construction and by the use of modern apparatus for loading and unloading, and by building larger ships, our shipbuilders can build ships that will make it easy for us to take the sea if we try. Now is our chance.

APPENDIX D. 3

(A student's argument)

THE RAILWAYS AFTER THE WAR

By J. H. Van Vleck

An address to be delivered before a Chamber of Commerce, the occasion to be a meeting to decide whether the Chamber of Commerce should adopt resolutions favoring exclusive federal regulation. Based on a brief on the affirmative of the proposition: "Resolved: that the federal government should *permanently* be given exclusive jurisdiction in all phases of railway control and regulation (street railways and interurbans excepted) now entrusted to state governments." References to sources of material have been inserted into the manuscript.

On December 28, 1917, Uncle Sam formally assumed control of all railways in the United States. (*R. R. Age Gazette,* Vol. 64, p. 7.) This was the most revolutionary change that has ever occurred in American railway affairs, for not only was private operation temporarily abandoned, but also a new relationship was established between the federal government and the forty-nine states. Under the new régime, a new regulatory body, headed by Director-General McAdoo, has been created, with hitherto unheard-of power over the railways, for it has the authority to overrule the regulatory provisions established by all the state commissions, and prescribes in lieu thereof orders of its own. This power has already been exercised, for many of Mr. McAdoo's orders are in direct contradiction to the rulings of the various states. (*R. R. Age Gazette,* Vol. 64, p. 115.) This means that for the period of the war, the states must play second fiddle to the fed-

eral government in the matter of regulation. However, this priority of national control is only a war measure. It is an admission of the failure of previously existing methods to solve the railroad problem during time of war, but it does not directly prove that our former railroad policy has not been successful in time of peace. It is this last question of the correct peace basis for railroad activity that we must consider tonight. The bold steps taken by President Wilson will successfully solve the railroad problem during the war, but the arrival of peace, of peace with victory we hope and trust, will again bring the railroad question to the front, for the present mode of control is merely a temporary compromise between government and private control which is not a sound permanent policy.

The importance of good railroads to the country, even in time of peace, is recognized by every one. President Wilson sizes up their importance admirably in his famous war proclamation of last year, which states, "The railways are the arteries of the nation's life." A moment's reflection show that this is true, for without railways, trade and commerce would be at a standstill, and famine would stalk throughout the land. A more detailed statement of the importance of railroad prosperity is found in a letter of President Wilson published in *The Railway Library* for 1914 (p. 326), says, "The interest of the whole public in the proper maintenance and complete efficiency of the railways is manifest. They are indispensable to our whole economic life."

Realizing the importance of railroad prosperity, let us see whether the railways of the United States are in a condition of "proper maintenance and complete efficiency," it being understood that this examination is to be made strictly from a peace-time viewpoint. A short study of conditions suffices to show that the railroads have failed in their functions even in time of peace. In the

first place, the facilities of lines already built are not being enlarged at the normal rate sufficient to take care of ordinary increases in traffic, for although the trade and business of this country keeps increasing faster and faster, few locomotives and fewer cars were ordered by the railroads in the last three years than during any corresponding period since this century began. (*R. R. Age Gazette,* Vol. 64, pp. 59–65.) The construction of third and fourth (or more) tracks is one of the vital parts of the enlargement of railway facilities, yet, out of the thousands of miles of these tracks in the United States, less than a hundred miles were built in the last two years. (*Ibid.,* p. 52.) No wonder we can't get coal, if the railways are making fewer and fewer improvements every year, despite the country's continued rapid growth. Not only has there long been a lack of intensive development in lines already built, but there has also been a lack of new railroad construction in undeveloped territory, such as will be necessary for the nation's internal expansion after the war, for during the past few years new railway construction has reached new low-water marks unparalleled since the Civil War. (*Ibid.,* Vol. 64, p. 51.) In 1917, for the first time since railroads were built in the United States, in the days of '31, hundreds of miles of railways were either abandoned, or taken up and sold for junk. In 1917, more miles of railway were being or about to be abandoned or scrapped than were actually being built! (*Ibid.,* p. 49.) There is not much hope for improvement in the future under our existing railway policy, for the railroads have no source of revenue out of which to make needed improvements. Despite frequent assertions that the railroads are paying swollen and unwarranted dividends, the statistics of the Interstate Commerce Commission show that the average net earnings of railroad companies have long been less than six per cent. (Published in annual

report to Congress; reprinted in the *R. R. Age Gazette,* Vol. 63, p. 1155, and Vol. 64, pp. 43–5.) Although traffic is increasing, profits are decreasing, due to the rising high cost of living for the railroads in the shape of higher wages and doubled and trebled prices for rails and other new equipment. Thus it will be seen that there is no surplus with which improvements can be made. Also there is scant opportunity for increased capitalization, for the latest Wall Street quotations show that by far the greatest number of railroad securities are selling way below par. (See Chicago *Herald,* Feb. 28, 1918, p. 11.) Over 17,000 miles of railway are now in the receiver's hands. (*R. R. Age Gazette,* Vol. 64, p. 46.) This wretched state of railway finance is not only reflected in the inadequate provision for increased traffic, but also in general credit conditions throughout the country, for according to President Warfield of the Continental Trust Company of Baltimore, "50,000,000 people, half of our population, are either direct or indirect owners of or investors in the securities of the railroads of the United States." (*Ibid.,* Vol. 63, p. 907.) Thus from both a commercial and a credit viewpoint, the present malady of the railroads is a curse to the United States.

Two leading explanations have been made for this wretched state of the railroads. One body of agitators, led by Senator La Follette, attributes all evils to corrupt and inefficient management on the part of the wicked railroads, while another group of economists and politicians claim the trouble is due to unwise regulation. The former favor permanent government ownership as the only possible remedy for the bad railway situation, but it *must be remembered that they are advocating exclusive federal regulation,* for they do not propose under any circumstances to have the federal government own and operate the railroads, but have the states fix the rates

and standards of service. However, indications are that Congress will vote to return the railways to private operation shortly after the close of the war. If this is done, some vital change must be made in our policy of regulation, for further continuance of the present railway fiasco is unthinkable. The most evident manner of reforming our regulation is to readjust the division of regulatory control between the state and federal governments, and this is the phase of the railway problem which we shall consider this evening.

In order to judge this question intelligently, it is essential that one should know just what is and has been the status of railway regulation. The states began to exercise control over the railways much earlier than the federal government, for it is under their charters that all our railways have been incorporated. Many states had Railroad Commissions before the Civil War, while state regulation of railway rates became effective in 1877, the year of the famous Granger Cases. (Forman, *U. S. History*, p. 406.) This early part of state regulation has naturally resulted in giving the states the bulk of the work and authority of railway control. The state power over the railways is practically unlimited (except in war time), as long as it has not been found to interfere with the federal regulation of interstate commerce, or to result in the virtual confiscation of railway property. (U. S. Constitution, Sec. 8, Art. 1; Sec. 1, Amendment 14.) According to the Bureau of Railway Economics at Washington, the regulations prescribed by the states include intrastate freight and passenger rates, car supply for intrastate shipments, train operation, character of equipment and station buildings, hours of labor, and almost every conceivable phase of railway operation. (Bulletin No. 15 of Bureau of R. R. Economics, p. 6.) Federal railway regulation has been a comparatively recent development, for

it was not until the twentieth century that the national government regulated any rates, hours of service, or wages of labor. (See Hepburn Act; La Follette Law, and Adamson Law.) Hence regular federal control of the railways has not become very extensive, except for the recent war measures. Normally, the federal government fixes only interstate rates, and also regulates car service, hours of labor, etc., to a very limited degree, and only in interstate commerce. The national government does not exercise any effective control over the securities and financial operations of the railways, for the railroads are all incorporated under state charters.

The specific reform we are considering in the relations of state and nation in railway control, is exclusive federal regulation, whereby the national government would receive supreme and complete authority in all phases of railway control. To establish the case for exclusive federal regulation, it must be shown that the present dual system of railway control is unsatisfactory, and that the proposed scheme is both practical and just. Considering the issues in this order, let us proceed to examine the merits of the proposition.

The most evident objection to the present dual system of railway regulation is its lack of uniformity and cooperation. Not only are there conflicts between the control exercised by the federal government and that imposed by the states in general, but it must also be remembered that the various states employ their powers of regulation individually without consultation with each other. The result of this lack of cooperation is great diversity in the character of railway-control exercised by the different states. Some states regulate certain phases of railway operation, while other states a short distance away regulate entirely different aspects of railroad service. Some states are very severe in their requirements and

others are too lenient. Railroad securities are regulated in only twenty-three states; in the rest of the United States there is absolutely no supervision exercised over the financial operations of the railways, so that the public, and stockholders as well, are not protected from the evils of speculation and overcapitalization. (R. R. Committee of U. S. Chamber of Commerce in *R. R. Age Gazette,* Vol. 63, p. 508.) Again, the character of locomotive headlights is specified in only twenty-eight states, but each of the twenty-eight specify different standards to be lived up to by the railroads. (A. J. County, Vice-President of Penna. R. R., in *R. R. Age Gazette,* Vol. 61, p. 792.) Another good example of the discord in state regulation is found in the matter of clearance-gauges. Cars which are permitted to be operated in some states are not allowed in others, because it is claimed they do not clear obstructions by a wide enough margin, although an equally narrow clearance has proved safe in the territory in which the debarred cars are run. The various states differ not only in their policies towards railroad finance and train operation, but also in their attitude towards labor employed by the railroads. In some states, it is illegal for a laborer employed by the railroads to work more than twelve hours a day; in other states he can work up to sixteen hours at a time; while in thirty states a man who is "working on the railroad" can (if not a member of a train crew) labor not only "all the livelong day" but for several nights and days at a stretch without being restrained by any legal checks. (Vice-Pres. County of Penna. R. R., in *R. R. Age Gazette,* Vol. 61, p. 792.) Other instances of conflict in state regulation can be cited *ad infinitum.*

However, mere lack of uniformity alone is not an argument against the present dual system of regulation. The real indictment of the present order is found in the inevita-

ble results of this conflict between the federal government and the states in general and between the individual states themselves. According to the Bible, no man can serve more than one master. We must think the railways have superhuman qualities to expect them to serve forty-nine masters simultaneously, as they are forced to do under the present dual system! As a result of this multiplicity in regulating bodies, the railroads are compelled to make more than two million reports annually to the various supervising governmental authorities. (*Ibid.*) The complex and varying standards resulting from the diversity in regulation tend to increase the difficulties of operating officers, for they must devote much of their time to understanding and complying with the double standards they must observe in case their divisions are interstate. An engineer, for instance, must often change the width of the right of way when he crosses a state-line. The needless duplication in regulation not only increases the work of those actually supervising details of operations, but also burdens legal and financial officers, for they must keep track of the proposals affecting the railroads introduced in the forty-eight legislatures. During 1912–5 no less than 3,016 bills concerned with railway regulation were introduced, many of which were wild and unreasonable in their demands. Howard Elliot, ex-president of the New York, New Haven, and Hartford Railroad, and member of the late Railways' War Board, says, "The result of this conflict between state and nation has been a great waste of energy. . . . A very large amount of the time of the railway officers must be devoted to the discussion with the numerous regulatory bodies, and this time could better be spent in an effort to improve railway efficiency." (Reprint of Howard Elliot's Address to U. S. Chamber of Commerce, pp. 18–9.)

The conflicts prevailing in the present dual system of

regulation not only burden the railroads, and hence indirectly the entire United States, but also directly injure the public welfare, due to the discriminations which result from the diversity of railway control. In many cases the intrastate shipper or passenger is given many undue special privileges at the expense of the interstate trader or traveller. For instance, a man travelling entirely within the state of Wisconsin usually pays only two cents a mile, while any one going from our state to Chicago, or any point outside Wisconsin must pay 2.4 cents a mile. Often these differences between interstate and intrastate rates result in undue advantages for some communities at the expense of others. In Illinois the passenger rate, according to the latest Supreme Court decisions, is two cents a mile, while the rate to adjoining states is 2.4 cents a mile, and as a result St. Louis has been forced to protest, but in vain, against being compelled to pay twenty per cent. higher passenger rates to Chicago than East St. Louis, a town just across the Mississippi. Due to the same discrepancies in rates to Chicago, Madison is suffering as a result of the undue favoritism to Freeport and other towns in Illinois equidistant from the great center of the West. (Abstract of decision in *R. R. Age Gazette,* Vol. 64, pp. 220–1.)

Other discriminations between citizens of various states exist as a result of differences in the requirements of the various states, rather than as a result of conflict directly between interstate and intrastate rates. According to Chairman Thom of the Railway Executive Council, "The traffic of no two states moves upon the same basis." (Testimony before Newlands Committee of House of Representatives; reprinted in *R. R. Age Gazette,* Vol. 61, p. 985.) The passenger fares of Kentucky, for instance, are twenty-five per cent. higher than those of its neighbor West Virginia. (Mr. Thom in *R. R. Age Gazette,* Vol.

60, p. 747.) Other inequalities in intrastate rates exist throughout the Union, and are too numerous to mention. Moreover, discriminations also are found in the quality of the service provided. Shippers in some states are required (except in war time) to load cars less fully than in adjoining states. The minimum carloads specified by Kansas, for example, are thirty-five per cent. lower than the general standard. (Editorial in *R. R. Age Gazette,* Vol. 63, p. 176.) Not only are the shippers of some states allowed smaller shipments per car, but are also given undue preference in the supply of cars in time of shortage, because certain states impose especially severe penalties on the railroads for failure to furnish cars, and the railroads naturally deliver their equipment to the states that will fine them most heavily for delays in car supply. (Bulletin No. 15 of Bureau of R. R. Economics, p. 10.) Many a shipper in Wisconsin has said "a kingdom for a car," when shortages have resulted in his perishable commodities being ruined before they could be shipped; if he only had lived in a state where unreasonable fines are imposed for failure to supply cars, his produce might have reached the market without spoiling. Other discriminations between citizens of various states are found in the quality of train service furnished isolated and rural communities. In North Dakota, except in war time, every one-horse town, village, or hamlet that can boast of a railroad station is provided with at least one train each way daily except Sunday, because the North Dakota legislature requires these trains to be run. (Prof. Meyers of U. W. in *R. R. Legislation,* p. 130.) Wisconsin, however, is less severe in its requirements, and our reasonableness is rewarded by the fact that some communities less than a hundred miles from Madison have only two trains each way per week, service one-third as frequent as the minimum in North

Dakota, although that state is much less densely populated than Wisconsin. (M. M. & St. P. Ry. timetable for Feb., 1918, pp. 61–2.) Mr. Clements of the Georgia State Railroad Commission, a man whose natural interests as a state commissioner would tend to make him uphold state regulation, is forced to admit the favoritism existing under the present dual regulatory system, for he says, "Divergent and conflicting state policies which become the bases of state fabrics will continue to produce irritating and intolerable conditions of discrimination, for which some remedy will have to be found. I know of no feature of regulation which demands more thorough treatment than this." (In *The Railway Library* for 1914, p. 329.)

Not only is the present dual system of regulation open to objection because of the injustice to the railroads and to the public occasioned by conflicts between the forty-nine different regulatory bodies, but also because many individual requirements imposed by the states result in great unnecessary hardships to the railroads, and hence injure the public welfare. Many of the demands made by the states are without either "rhyme or reason," for they entail great expense to the railroads with only an infinitesimal improvement in service. In referring to this phase of railway regulation, Professor Meyers, formerly of the faculty of the University of Wisconsin, and expert in the control of public utilities, sizes up the situation well in saying, "The effort of state legislatures have been without sanity of judgement."

There are almost unlimited instances of rates prescribed by state commissions and legislatures that are unreasonably low. In 1916 freight rates fixed by the government of Nebraska were found to be twenty per cent. too low by the Interstate Commerce Commission, the leading authority in the United States on railway

rates. (Abstract of decision in *R. R. Age Gazette,* Vol. 61, p. 126.) Similarly, in the famous Shreveport Rate Case, this body found certain Texas freight rates to be over thirty per cent. too low. (41 I. C. C. 83.) No wonder the railroads are not making needed improvements if their pay is two-thirds of what it should be in many cases! Another notable example of unreasonable intrastate rates is found in the Minnesota Rate Case, in which certain reductions in freight and passenger rates were found to amount to *virtual confiscation* by the United States Circuit Court. (Syllabus of decision in Bulletin No. 15 of Bureau of R. R. Economics.) However, these rates are still in effect due to legal entanglements involved in the attempts to readjust them made by the federal government. Another hopeless fiasco between state and nation is found in the Illinois Rate Case. Although, as we have already seen, passenger fares in Illinois discriminate unjustly against the citizens of other states, including Wisconsin, and although the Interstate Commerce Commission has reported them to be eighteen per cent. too low; nevertheless an increase in rates cannot be effected, due to the pig-headedness of Illinois authorities, and due to the fact that the Supreme Court has recently upheld that the Interstate Commerce Commission is not empowered to raise these intrastate rates. (*R. R. Age Gazette,* Vol. 64, pp. 220–2.) Hence the railroads of Illinois must be deprived of millions of dollars of sorely needed revenue annually!

Many of the states are unjust in their service requirements, as well as in rate fixation. Full Crew laws are still in force in Pennsylvania, New York, and a few other states. It is generally admitted that these laws are purely concessions to the "Big Four Brotherhoods" because they require the railroads to employ more men of these unions. These Full Crew laws cannot be justi-

fied on the ground of increased safety. Most states in the Union have found no justification for their passage, and have steadily refused to enact them. The Full Crew Law in New Jersey was recently repealed because there seemed to be no real justification for its existence. (*R. R. Age Gazette,* Vol. 63, p. 896.) Also statistics show that there has been a less rapid decrease in accidents in New York with its Full Crew law, than in neighboring states without such a law. (Statistics of Bureau of R. R. Economics in *R. R. Age Gazette,* Vol. 60, p. 406.) Nevertheless, in the face of these arguments, a few stubborn states retain these laws, compelling the railroads to waste millions in the employment of unnecessary men. The great burden placed upon the railroads by these measures is shown by the fact that the Full Crew Law of New Jersey alone, when it was in force cost $1,700,000 extra a year, or interest at five per cent. on thirty-four million dollars. (Testimony before Newlands Committee of Chairman Thom of R. R. Executive Council. See *R. R. Age Gazette,* Vol. 61, p. 986.)

Another example of unreasonable state legislation is found in the law of Arizona limiting the length of trains to seventy-five cars. This law is in force despite the fact that every other state in the Union refused to adopt such measures, although they were introduced in twenty legislatures. (*R. R. Age Gazette,* Vol. 60, p. 1033.) Also the statistics of the Bureau of Railway Economics at Washington show that shorter trains tend to increase accidents, for there is greater chance for collisions, as more trains must be operated if train-lengths are reduced. Nevertheless Arizona burdens the railroads with unnecessary expense occasioned by a law that defeats the aims of the "safety-first" movement.

A particularly good example of unreasonable state requirements is found at the present time. Although the

railroads have striven for years to obtain an increase in demurrage rates, or penalties to shippers for failure to unload cars promptly, as a measure to relieve the car shortage by eliminating long delays in unloading, many states have refused to "do their bit" by allowing the increases permitted by the Interstate Commerce Commission and by the commissions of other states. However, one of the first acts of Director-General McAdoo was to raise these rates to a common standard higher than had prevailed in the most lenient states hitherto. This is a good example of the apathy of many states in co-operating to improve the condition of the railways. (*R. R. Age Gazette,* Vol. 64, p. 115.)

There are many other examples of unreasonable service requirements on the part of the states. Some states persist in accentuating the car shortage by allowing cars to be loaded thirty-five per cent. below the general standard. (Editorial in *R. R. Age Gazette,* Vol. 63, p. 176.) The Colorado government makes the railroads waste precious coal by compelling every passenger train to stop at every city in the state — and yet some trains in this state do not stop even at Racine! (Meyer's *R. R. Legislation,* p. 130.) Other fields in which the states have been over-stringent in their service requirements are in the construction of luxurious stations for small communities, unjust requirements as to the width of the right of way and so forth. (See Statistics in *Railway Library* for 1914, p. 326.)

The injustice of state regulation extends not only to rate fixation and service requirements, but also to the financial operations of the railways. For instance, the New York, New Haven, and Hartford could not issue bonds to pay for improvements and maturing obligations because it could not gain the consent of Massachusetts, although the other states through which this

line passes were willing to have these securities issued. The New York Central Railway, in increasing its capitalization, was recently taxed $600,000 by Illinois for doing so, although less than a fiftieth of its mileage was in that state. It would be only just to the other states served by this railway that they should also tax this securities issue proportionately, but if they were to do so, "America's Greatest Railway System" would probably go into the receiver's hands. Similar unjust financial policies may also be found in many other states besides Massachusetts and Illinois. (Testimony of Chairman Thom of R. R. Executive Committee before Newlands Committee of House of Representatives. See *R. R. Age Gazette,* Vol. 61, p. 987.)

We have now seen the many evils of the present dual system of railway regulation. There is slight hope for improvement in the future under our existing peace policy towards the railroads, for there is almost no chance of remedying the conflict between the forty-nine regulatory bodies, with the resulting expensive duplication and unjust discrimination without abolishing some of these forty-nine organizations. Moreover, it is highly improbable that the states will ever be cured of their policies of persecuting the railways by unjust rate fixation, service requirements, and financial regulation, all of which ultimately results in injury to the public welfare. The only remedy for the evils of the present dual system is to dispense very largely with state control of the railways and adopt exclusive federal regulation.

The first thing to note in connection with exclusive federal regulation is its practicability. It is obviously useless to discuss the results of any measure of reform until it is established that the proposed system can actually be put into operation. However, there are no undue practical difficulties connected with the adoption of exclusive

federal railway regulation, for it is a simple, unified system based on sound business principles. The supreme regulatory authority would be vested in the Interstate Commerce Commission, or some similar body. It has also been suggested that a new Cabinet officer, a Secretary or Director of Transportation, be created to help determine the policies of regulation. It would probably be impossible for the Interstate Commerce Commission alone to tend to all the details of regulation, but several subordinate bodies can be established to aid in discharging the functions of railway control that are of purely local importance. The relationship of these inferior commissions to the central authority at Washington would be much the same as that of the United States District Courts to the Supreme Court. Each of these subordinate boards would be assigned to a district of only a few states, so that the federal government would exercise careful supervision over all the details of the railroad problem. The most important thing to note, however, is that these auxiliary bodies would be subordinate to the Interstate Commerce Commission, which would regulate their policies in the interest of uniformity. Hence there would be unanimity of action and intelligent cooperation in railway regulation, instead of eternal contradiction and conflict between forty-nine different railway commissions, none of supreme authority.

The experiences of foreign countries with railway regulation should remove any doubt in your minds as to whether exclusive federal regulation is practical. There is hardly a nation in the world that does not give the central government complete jurisdiction in railway affairs, for the regulation of railways is essentially a national problem. France and England are the two greatest foreign nations that do not have government ownership of the railways, and exclusive federal regulation has

met with complete success in both of these countries, despite the fact that they resemble the United States in regard to the absence of strong, despotic central authorities. English railways are regulated by the *federal* Board of Trade and Railway and Canal Commission, and according to Professor Raper, author of one of the most celebrated books on transportation, "England is the most perfect example of strictly private (railway) incorporation." (Professor Raper, *Railway Transportation*, p. 54.) France, although always true to the ideals of "liberty, equality, and fraternity," does not fear centralized authority so much that she follows our policy of delegating forty-nine subordinate governments to do one job of essentially national importance. Instead, the federal Ministry of Public Works is given complete authority in railway affairs, and according to Professor Raper, "State control of private operation has been remarkably efficient" in France. (*Ibid.*)

However, we do not need to cross the waters to see the practicability of exclusive federal regulation. We can listen to the advice of our own practical railway men. Exclusive federal regulation is recommended by many railway executives, including Howard Elliot, and President Rea of the Pennsylvania System, "The standard railroad of America." (See Elliot's address to U. S. Chamber of Commerce, and President Rea's article in *Railway Library* for 1914, p. 35.) Unified central control is also advocated by state railway commissioners, although their natural interests would make them uphold state authority, for exclusive federal regulation is advocated by A. P. Ramstedt, President of the Idaho Public Utilities Commission. (*R. R. Age Gazette*, Vol. 61, p. 1134.)

So much for the practicability of exclusive federal regulation — we have seen that it is a possible reform,

and that there are no great or undue difficulties connected with its adoption. We must now consider whether the proposed system is just and desirable, as well as practical. A few minutes' study will show that exclusive federal regulation is fair to all and highly desirable, for it remedies the evils of the present dual system without introducing new evils.

We have already seen the inherent defects in our present railway policy. We have seen how conflicts between state and nation, and between the states themselves, continue to confuse railway operation and produce unjust and undemocratic discriminations in the transportation facilities provided the public. We have also seen how many states persist in unreasonable regulation that imposes unnecessary hardships upon the railroads, resulting ultimately in injury to the public welfare. Under exclusive federal regulation, all these evils and injustices would be next to impossible. Railroad regulation, vested in the Interstate Commerce Commission and subordinate boards, would at last be placed upon a sound basis, for we would then have one railway policy instead of forty-nine. Unity and cooperation, rather than conflict and controversy, would be the watchwords of regulation. No longer would millions of people throughout the Union be injured by intolerable favoritism resulting from diversity in regulation, for the central authority at Washington would establish a uniform, consistent standard of rates and service. Under exclusive federal regulation, the railroads would no longer be compelled to "haul coal to Newcastle," for the Interstate Commerce Commission is an expert organization that has never imitated the states in their policy of burdening the railroads with millions of extra expense in return for hypothetical benefits. Instead, the Interstate Commerce Commission has a reputation of being reasonably fair

to the railroads, and of using good horse sense in their regulation. Thus exclusive federal regulation would remove present conflicts and liberate the railroads from the unnecessary burdens imposed upon them by many states, and which in the last analysis fall most heavily upon the general public.

Having seen that exclusive federal regulation will remedy present evils, let us now turn to the possibility of its introducing new evils. A few men insist in claiming that nationalization of railroad regulation would be unjust because it is alleged that the Interstate Commerce Commission is so generous to the railroads that it would fail to regulate them in the interest of the public in general. This argument is absolutely without foundation in actual fact. The Interstate Commerce Commission has never been too lenient to the railroads; it has been too severe if anything, for it has repeatedly forbidden them increases, including the fifteen per cent. raise they applied for after the outbreak of the war. Not only in the regulation of rates, but also in the control of service, has the federal government been entirely just to the public. Its drastic orders as to car supply in the present crisis have performed an invaluable service in reducing the car shortage. The Interstate Commerce Commission has shown its ability and propensity to aid the public by the way it has freed shippers from the evils of rebating, so prevalent at the beginning of this century. It has manifested its fairness to labor in its able enforcement of the Adamson and Sixteen Hours laws. The only other interest that exclusive federal regulation is alleged to injure is that of the states, for they will be deprived of their powers of regulation. However, railway control is essentially and vitally a national problem, and exclusive federal regulation will still leave the states the part of railway control that is of great importance to

them, for they will still be allowed to raise revenue from the railroads by means of any taxation at all within the bounds of reason. Nationalization of railway control will not introduce new evils in the transportation situation, for a short study of the proposition and of past railway history completely discounts the cries of "wolf, wolf" uttered by dyed-in-the-wool believers in the divinity of states' rights.

Final proof of the justice of exclusive federal regulation is found in the action of chambers of commerce and boards of trade throughout the country in advocating the nationalization of railway regulation. The railway committee of the national United States Chamber of Commerce in its recent report has expressed itself unequivocally in favor of exclusive federal regulation. (Reprinted in *R. R. Age Gazette,* Vol. 63, p. 508.) Also the Philadelphia Chamber of Commerce, representing the third largest city in America, has gone on record as advocating this reform. Among the other organizations which have adopted formal resolutions in favor of exclusive federal regulation are the Merchants' Association of New York, the National Manufacturers' Association, the National Lumber Dealers' Association, the Southern Pine Association, the National Leather Association, and the American Hardware Manufacturers' Association. (*R. R. Age Gazette,* Vol. 61, p. 114.) Moreover, this list is only partial, while not a single organization similar to those mentioned has ever been reported as being against the nationalization of railway control. Inasmuch as exclusive federal regulation is so overwhelmingly endorsed by commercial organizations similar to your own, there must be substantial justice on the case for this reform.

Good transportation facilities are essential to the nation's life and progress. The distressing state of our

railroads at present is well known to all of you. Much of this railroad malady is due to exceptional war conditions, but nevertheless, according to Secretary McAdoo and all other transportation authorities, the railroads have not developed along a sound peace basis, for their financial status is bad, and intensive development and new extensions have not kept pace with the country's normal growth. Government operation has, we hope, unraveled the transportation tangle during the duration of the war, but the administration's policy is only a temporary war expedient. The fate of the railways will be one of the most important and pressing problems which will arise at the advent of peace. Everyone admits that a vital change is needed in our policy towards the railroads in time of peace. Some economists and legislators go so far as to advocate permanent government ownership, which is nothing more or less than the most complete expression of exclusive federal control and regulation. However, Director-General McAdoo and most authorities expect to see the railroads returned to private operation after the war, but it will be private management upon a different basis than formerly, for no one wishes to see a recurrence of the existing calamity produced by our regulatory policies towards the railroads.

Exclusive federal regulation is the easiest and most logical way to put the railroads upon a sound constructive basis, for the control of the railroads is essentially a national problem, rather than a state one. Other schemes of railway reform burden the public by substantial rate increases or expensive government loans. Exclusive federal regulation, however, will rehabilitate the railroads by the elimination of needless waste. It will substitute a policy of cooperation and unity for one of conflict and controversy. The railroads will be freed from the confusion and duplication resulting from being forced to

serve forty-nine masters. The substitution of national for dual regulation will put the railroads in a sound business condition by saving them tens of millions of dollars taken from them annually by petty, imbecilic state regulations that are "penny wise and pound foolish," and that do not improve the real standard of service. Exclusive federal regulation will not only put the railroads on their feet, but will directly benefit the public by establishing a simple, uniform regulatory system that will abolish the intolerable discriminations resulting from conflicts between forty-nine governments. Shippers and travellers cannot possibly be injured under the proposed system, for the Interstate Commerce Commission has always been the zealous guardian of their rights. Even the most ardent adherents to the state rights' theory will have no just cause to complain of exclusive federal regulation, for control of the railways is essentially a national problem, and in any case the states will be left the power of taxation, their one real interest in railroad regulation.

Everything points towards greater nationalization of railway control. Exclusive federal regulation, carried to its most extreme form, is government ownership, but if such a radical reform is unnecessary, it means simply a retention of private ownership, with sane, standardized regulation in its most logical and simple form. Gentlemen, there is every reason that you should agree with your fellow Boards of Trade and Chambers of Commerce throughout the United States, and advocate that, except for street railroads and interurbans, the federal government should be given exclusive permanent jurisdiction in all those phases of railway control and regulation now entrusted to the states.

APPENDIX D. 4
SPECIAL ARTICLE (REFUTATION)
(The Minimum Wage)

CAMPAIGN AGAINST SWEATING[1]

"More than half the people employed in the factories and stores investigated in New York City get less than $8.00 a week."— Dr. Howard Woolston, Director of Investigation for the New York State Factory Commission.

It is all very well to say of a woman that "she is working for her living," but suppose she is working and not making her living. What are you to say then? You can remark that you are indeed very sorry, and leave the matter there. Or you can say with more piety than wisdom that wages are determined by natural laws which man must let alone. Or you can insist that she is being sweated; that a business which does not pay a living wage is not paying its labor costs; that such businesses are humanly insolvent, for in paying less than a living wage they are guilty of as bad business practice and far worse moral practice than if they were paying dividends out of assets.

Every one knows what to think of a get-rich-quick concern which asks people to subscribe to its capital stock, and then uses the money invested to pay profits. We call it a fraud. When a railroad goes on paying dividends without charging up deterioration, people speak of it not as a fraud but as bad business. But when a mercantile establishment pays its labor less than labor can live on, it

[1] By Walter Lippmann. New Republic. 2: sup 1–8. March 27, 1915.

is combining the evils of the mismanaged railroad and the get-rich-quick concern. It is showing a profit it has not honorably earned, it is paying a dividend out of its vital assets; and is, out of the lives, the health, and the happiness of its employees. A business that exists on labor paid less than a living wage is not a business at all, for it is not paying its fixed charges. They are being paid either by the family of the woman worker or by her friends, or by private charities, or by the girl herself in slow starvation.

There are few to deny the truth of these general ideas. Even the people who are fighting minimum wage legislation have not attempted to deny that a self-respecting business should pay the full cost of its labor. Nor has any serious attempt been made to impugn the damning wage statistics revealed in one state after another and clinched by the Factory Investigation Commission in New York. We know now that thousands of women are below the line which the most moderate estimate can call a living wage. Knowing this fact, we know that something must be disastrously wrong; knowing it, we must act to remedy it if we can, and no intelligent person will say that we are meddling in what does not concern us. The spectacle of paper-box, shirt and candy manufacturers and department-store keepers living on the profits of a business that does not pay its employees a living wage is so absurd that we begin to wonder what are the serious arguments against minimum wage legislation.

Fortunately Mr. Rome G. Brown knows all the arguments, serious and otherwise. Mr. Brown, let it be said, is an attorney who has fought living wage legislation in various states, and is the author of the brief filed before the Supreme Court in the Oregon case. He is a kind of specialist in the business of finding fault with the mini-

mum wage, and so no injustice can be done him or his cause by taking up the points he raises.

Mr. Brown's latest utterance is dated February 19, 1915,[1] and it seems that Mr. Brown is no longer opposed to the minimum wage. He is opposed to the compulsory minimum wage, but he is for the ethical minimum wage. "Compulsion," says Mr. Brown, "stifles the humanitarian motive." Above all things, Mr. Brown does not wish to stifle that. He does not say that $6 a week is a good wage. What he says is that any attempt to force the employer to raise it would destroy the finer bloom of morality.

> His action ceases to be virtuous or moral when once you have enacted into a statute the precept of the Golden Rule, and when its observance is enforced under the threat of fine and imprisonment. Actions otherwise virtuous — of benevolence, of charity, of neighborly love — are deprived of all elements of morality when performed under compulsion.

And so, rather than take away from the act of raising wages all elements of morality, Mr. Brown would leave wages where they are. It is obviously high-minded of him, and exceedingly far-sighted. For here we see a leading attorney fighting step by step to preserve the quintessence of morality for employers toward that hypothetical time when they decide of their own free will to raise wages. At this historic moment, however, we are simply in the happy position of knowing that when employers abolish the starvation wage they will do so with unblemished ethical motives. There is indescribable comfort in the thought.

Yet we dare not ignore Mr. Brown. He is the heavy artillery on the other side. So, leaving aside his con-

[1] Annual dinner of National Retail Dry Goods Association.

tributions to morals as not altogether inspiring, we must proceed to consider him as an economist.

"You cannot legislate efficiency," says Mr. Brown. "When you compel an employer to pay a wage which is fixed regardless of the workers' efficiency, you are legislating a forced gratuity to the worker, no matter that the wage be measured by the cost of living or by the other standard which disregards its fair worth." There you have in compact form the objection to a legal minimum wage which is most persistent in people's minds. They say to themselves, "How can you force an employer to pay a girl *more than she is worth?*" Isn't that against all business, common sense and the laws of economics? What right has the state to legislate charity into the pay envelope? Is n't it absolutely wrong to force any woman to *receive more wages than she earns?*

The answer is that it might be wrong if there were any way of telling how much she is worth, or what she earns. We know what women workers *receive,* but no one has the least idea whether their income has anything to do with their productivity or their efficiency. If there is one thing the Factory Investigating Commission made clear, it is that wages for unskilled women's work in the sweated trades are not based upon any recognizable standard of efficiency or value.

Dr. Howard Woolston, who directed the work of the New York State Factory Investigating Commission, has pointed this out:[1]

> Even for identical work in the same locality striking differences in pay are found. In one wholesale candy factory in Manhattan no male laborer and no female hand-dipper is paid as much as $8 a week, nor does any female packer receive as much as $5.50. In another establishment of the same

[1] *The Survey,* February 6, 1915.

class in the same borough every male laborer gets $8 or over, and more than half the female dippers and packers exceed the rates given in the former plant. Again, one large department store in Manhattan pays 86 per cent of its saleswomen $10 or over; another pays 86 per cent of them less. When a representative paper-box manufacturer learned that cutters in neighboring factories receive as little as $10 a week, he expressed surprise, because he always pays $15 or more. This indicates that there is no well-established standard of wages in certain trades. The amounts are fixed by individual bargain, and labor is "worth" as much as the employer agrees to pay.

These figures show pretty clearly that two employees in the same district making the same kind of goods have no way of standardizing wages on any basis of value. That is why Mr. Brown, talking about wages depending upon "wage-worth," is using a catchy phrase and a neat theory which in practice mean literally nothing at all. The kind of women's work to which the minimum wage would apply has no standard by which wages are fixed. Women get what they get, by the custom of the shop, by the whim of the superintendent, by arbitrary decision. No law of supply and demand, no sense of "wage-worth," determines that a "stripper" in order to earn fifteen cents an hour must paste paper on the side of about one hundred and fifty boxes, and a "hand-dipper" must coat about seven hundred and twenty pieces of cream candy with chocolate, while a hand-ironer in the laundry will earn twenty-five cents by pressing four plain shirts.

With these facts before us, suppose that we raised the wages of hand-dippers in candy manufacturing from fifteen to seventeen cents an hour, and thereby saved the girls from the most extreme hardships of poverty. By what standard would the Mr. Browns be able to say that we were paying this girl more than she is

worth, that the extra cents were a "forced gratuity," or that we were interfering with the laws of supply and demand?

For what in the name of sanity are these economic laws as they appear in practical life? Mr. Brown and others talk about the value of cooperation, and how fine it is for the employers to raise wages voluntarily. Yes, but why is it fine? Is n't it disastrous to tamper with the economic law, or are we to understand that the economic law has no terrors when violated by the good will of the employer? Or perhaps may we assume that economic law, as Mr. Brown uses the phrase, is nothing but the will of the employer?

I am forced to believe it. I am forced to conclude from much study of Mr. Brown that whatever happens to exist is "natural" and "according to law," that any change inaugurated by the workers or by public opinion is "artificial," but that any change created by employers is merely economic law working itself out to beneficent ends.

The phrase "economic law" on the lips of men like Mr. Brown is nothing more than sheer buncombe which conceals a prejudice. It belongs to the same grade of intelligence which says, "You cannot make water run up hill," in the face of the fact that you can make it run up to the top of the highest sky-scraper; which says, "You must n't interfere with nature," and then proceeds to join oceans at Panama, deflect rivers, create lakes, move mountains, clear jungles, abolish typhoid, fly in the air, swim under the water, tunnel the earth.

In the meantime Mr. Brown is wasting fine words. What he calls natural law is really an amazing and damnable inefficiency on the part of employers. In these trades where women are employed and sweated we are dealing not with inexorable laws but with thoughtless, stupid,

careless, uneducated employers. Strangely enough, they are only too ready to describe the inefficiency of the girls they employ. Of course the girls are inefficient. What else can one expect from the present housing, schooling, and working conditions open to them? But for every score against the incompetence of the workers there is at least one score against the incompetence of the management, and it is time the general public realized that these manufacturers and retailers who will be affected by the minimum wage are proved by the facts to be profoundly incompetent business men. When they cry out against "interferences," those who know the facts laugh. Those employers who wish to be regarded as self-respecting captains of industry literally do not know how to run their own business, and far from the state's interfering with them by investigation, interference is more likely to prove their salvation.

The New York Commissioners unearthed the most ludicrous inefficiency.[1] They found employers who kept their pay-rolls in pocket-memorandum books; employers who had no knowledge of rates paid by competitors for similar labor; employers whose rates varied as much as fifty per cent in the same neighborhood; whose labor cost varied as much as from seventeen per cent to thirty-nine per cent in the same line of work. They found seasonal fluctuations which were violent. They found that in eleven large retail stores in New York City 44,000 new names were added during the year and 42,000 names were dropped. This was to maintain an average working force of 27,000. In box and candy factories nineteen plants employed 3,400 persons to maintain a force of 1,700. The time lost between jobs is large. Of 1,500 women interviewed, 1,000 had lost an average of one month in the preceding year. Obviously the labor market in sweated

[1] These figures are furnished by Dr. Woolston.

industries is not a model of intelligence and foresight. If this welter of inefficiency is the product of "natural law," every civilized person will cry out for the interference of human law.

But two terrible results are prophesied: 1, the minimum wage will drive men out of business; 2, it will raise prices. Mr. Brown uses both threats, though it is a little difficult to see how a business which had been extinguished could raise its prices. The idea is, I believe, that some firms will go to the wall, and that the remaining ones will recoup by raising prices. These fears are, as we shall see later, based on the theoretical guesses, rather than actual probabilities. For the moment I wish to consider a third possibility based on the experience of the brush industry in Massachusetts. Brush making, it should be said, is the first industry in the country in which the minimum wage has been fixed by a wage board. Let me tell the incident in Mr. Rome G. Brown's own words:

> One brush concern, since the minimum wage for brush makers took effect, has discharged over one hundred of its unskilled employees and has reorganized its methods of work so that its less skilled labor is done by those who also perform more skilled work; and at a total wage which is $40,000 a year less than that paid formerly.

In other words, the effect of the minimum wage has been to raise wages, eliminate a hundred of the most unskilled, and increase efficiency so much that the cost of labor is $40,000 less than it was. One would think Mr. Brown might be led to confess that this particular firm of brush makers had been a pretty inefficient organization. Not Mr. Brown. He is not in the business of admitting inefficiency among employers. This firm of brush makers, he tells us, was not uneconomical; it was unselfish. And

when the state brought its brutal hand down upon these sensitive brush makers the finer moral qualities disappeared:

> In self-defense against the arbitrary interference of the state with its business, it is now forced to figure its wage scales on a selfish basis.

The result is that it pays a higher wage and saves $40,000 a year. But what some people may wish to know is whether this particular firm in the old days, when it was on its unselfish and inefficient basis, was applying those natural laws of economics about which Mr. Brown so graciously instructed the Supreme Court.

Let us assume that the Minimum Wage act is passed in New York. The Commission is created, and it proceeds to establish wages boards in four industries — paper boxes, candy, millinery, and retail dry goods. These boards, after investigating the cost of living and the existing wage scales, order a general raise of wages from a median of six dollars to eight dollars. Let us assume that these industries are not able to improve their efficiency, are not able to do what the firm of Massachusetts brush makers did. Let us assume that higher wages will mean no increased productivity among the women workers. Under these circumstances, what would the minimum wage cost the manufacturer in cutting down his profits, or the consumer in raising prices?

Suppose that the whole cost is borne by the consumer. Then if work-shirts cost three dollars a dozen, and the labor of sewing them is paid sixty cents, when we raise wages ten per cent the labor cost becomes sixty-six cents. The price instead of being three dollars becomes three dollars and six cents. In other words, while the worker receives a ten per cent increase, the consumer pays only a two per cent increase.

It is estimated that to raise the wages of 2,000 young women in New York candy factories from five dollars and seventy-five cents to eight dollars, confectioners in order to cover the cost would have to charge eighteen cents more per hundred pounds of candy. The profits in department stores average over five per cent on a year's business. But as the stock is turned five or six times annually, the yield on the investment is twenty-five per cent to thirty per cent. By raising the wages of girls under eighteen to six dollars, and of women over eighteen to nine dollars, the cost might be increased one and one-quarter per cent. If this were taken from profits instead of being added to the price, it would reduce the return to about nineteen per cent. The reason why these figures are so low is that the whole cost of labor in these sweated industries is a small fraction of the manufacturing cost. In the case of paper boxes, labor is a charge of from seventeen per cent to thirty per cent of the market price; in candy manufacture, the average labor cost is about thirteen per cent of the manufacturing expenses. By raising that charge we raise the total cost very little.

In the face of all this, what becomes of the cry that we are proposing to ruin business? It takes its place, does n't it, beside all the other exclamations which have accompanied factory laws since the beginning of the nineteenth century? It is the cry which has accompanied every effort to clean up working conditions, protect mines, guard the life of child and women workers. Employers are always threatening a migration to less civilized countries. Yet somehow they stay where they are. A few go. In Victoria, one manufacturer in a panic moved out before the law went into effect. He moved over to Tasmania. Then Tasmania adopted the same law. In Victoria when the law was first passed in 1896

there were 3,370 factories employing 40,814 people; after fifteen years' experience of the law there were 5,638 factories employing 88,694 people.

But suppose a few employers do move out of the state — say from New York to New Jersey. How long will New Jersey tolerate their production of pauperism, disease and degradation, and its costs in charities, hospitals and sanatoria? Just about as long as it takes New Jersey to realize the ridiculous social cost of sweating.

Yet we are told that some employers will go to the wall. Able neither to raise prices nor increase efficiency, they will fail. To them the community must reply with simple kindliness that they belong with the landlords who own firetraps and conduct nests of disease and crime. They would better go out of business and make way for better men.

It is often claimed that the minimum wage will become the maximum. President Wilson during his campaign gave an impetus to this argument by saying:

> If a minimum wage were established by law, the great majority of employers would take occasion to bring their wage scale as near as might be down to the level of the minimum; and it would be very awkward for the workingmen to resist that process successfully, because it would be dangerous to strike against the authority of the federal government.

Of course there is at the moment no question of a federal law. We are discussing state laws, and as regards New York a law which is to have no legal compulsion behind it. We are proposing to have a state commission of three persons select a small number of sweated industries where women and children are employed, and establish for those industries wages boards

consisting of six representatives of the employer, six of the workmen, and two or three of the outside public. This conference of the trade is to study conditions and recommend a minimum wage, which is then to be published as an official recommendation. No one is legally bound by it. But even supposing he were, as in Oregon, California and elsewhere, how can the legal fixing of the least that may be paid affect the discussion of how much more shall be paid? If we make a rule that no one shall receive less than eight dollars a week, how does that prevent an employer from offering, or the workers from asking, nine or ten dollars? It is like assuming that because the tenement house law prescribes one hundred cubic feet of air per person, no one must live in more than one hundred feet.

But, say our critics, the tendency will be to level down to the minimum. Yes, but whom will it level down? Half the unskilled women workers will be levelled up. What ground is there for supposing the others will be levelled down? Are they, in the language of Mr. Brown, being paid more than they are "worth"? Or are they being paid what they are "worth"? Or are n't they being paid what the employer feels called upon to pay them? How will their status be changed by increasing the pay of the sweated workers?

Moreover, it is difficult to contemplate the folly of an employer who paid all his help, skilled, unskilled, experienced, and novice, anything like a single minimum standard. With no incentive left for improvement, no reward for skill, the efficiency of his plant would be a spectacle, and he would find very soon that he had been cutting off his nose to spite his face.

There is, however, no need to guess about these dark predictions. The minimum wage in one form or another has been applied for many years in various parts of the

world. In Victoria it has been enforced by law since 1896, it has been applied in New Zealand, in England and elsewhere. In the United States the trade unions have in various trades applied it. For clearly there is no economic difference between a minimum established by force of law, by force of public opinion, or by force of a strike. The economic effect is the same, and all the terrible results prophesied ought to have shown themselves. It is, I believe, an almost unanimous conclusion of students that the minimum rates have not tended to become the maximum.

There is one prediction persistently made by Mr. Brown and others which experience shows to be true. A certain number of the ultimately inefficient workers are displaced when the living wage standard is applied to an industry. The brush factory in Massachusetts which reorganized, saved $40,000 on its wage bill, and discharged a hundred of its least skilled employees, is a case in point. There are undoubtedly people working to-day whom no business man would keep if they could not be sweated. Child labor is the most striking example, coolie labor is another; some immigrant labor, both men's and women's, falls within the category. There are also groups of workers who are physically or mentally defective, and there are those who have not yet learned the trade and so require an apprenticeship of some kind.

We are asked, What is to become of these people? The question generally assumes that we have forgotten all about them, or that in our ruthless benevolence we plan to throw them out into the street. Yet, as a matter of fact, it is just these marginal workers who constitute the most convincing argument for establishing living wage standards. But they cannot be dealt with wholesale.

In low-skilled occupations such as the sweated trades no long period of apprenticeship is required. But there

is a time when the young girl is so inexperienced that she wastes material and produces very little result. All sensible minimum wage laws provide for about six months' probation at something under the standard wage. There has been a tendency among employers to abuse this privilege. They have found it cheaper to take on "apprentices" for six months, discharge them, and recruit a new force of "inexperienced workers." They have generally worked this evasion of the spirit of the plan when the difference between the regular wage and the probationary wage was greater than the difference between the value of an inexperienced and an experienced employee.

Obviously these difficulties can be met by resourceful administration. An alert Commission can adjust its findings so as to eliminate gross circumvention, and still make perfectly feasible a term of apprenticeship. The deeper remedy for the situation lies in the school system which turns into industry workers with so little general training and vocational adaptability.

The plan we propose carries with it a provision for licenses to be granted by the Commission in special cases where the evidence is clear that a person should be permitted to work for less than the minimum wage. This elasticity is needed for good administration, because in any human problem there are particular people who fit badly into a general rule. There are, for example, a number of workers who are crippled in one way or another, and yet manage to live self-respecting lives by earning small sums. No one proposes to crush them under an iron rule, and so a human discretion is allowed to the Commission.

There are nevertheless classes of workers whose productivity is very, very low. They may be old, or weak-minded, or physically feeble, or so utterly un-

trained and illiterate that under American conditions they cannot be employed at a living wage. We say of them that they should not be employed. They should not be permitted to debauch the labor market, to wreck by their competition the standards of other workers.

Not enough has been made of the fact that the fixing of an American minimum is one of our best protections against indiscriminate and overstimulated immigration. Once abolish sweating and take industry off a basis of cheap labor, and you have reduced one of the great incentives to the most threatening forms of immigration. If the European is compelled to work at not less than an American standard he will be less useful to the employers of cheap labor, and less effort will be made to bring him over.

The same reasoning applies to the employment of children. They are hired to-day because they are cheap. Make them expensive, and fewer of them will be hired; there will thus be less opposition to child labor laws. Indeed, by the transition from a sweated to a living standard there are few problems of industry which are not affected. Whenever business men abandon the old notion of all the traffic will bear and all the human body can stand, and turn to an intelligent counting of vital costs, a better morale appears in the industrial world.

We are dealing in these sweated trades with industries where cooperation, pride of work, technical and social standards are most primitive. Competition has corrupted them to the point of despair, and only by the establishment of some device like the wages board can we hope to create a civilized discipline. The employers must organize to send their representatives; the workers must combine to send theirs. At these board meetings the conditions of the trade as a whole have to be analyzed, statistics have to be compiled, investigations made.

Well-managed plants are compared with befuddled ones; the whole philosophy of management is opened to discussion. The educational effect of this will undoubtedly prove to be very great.

For what the minimum wage plan proposes is really a kind of legislature of the industry — a legislature in which workers, employers and public are represented. This is the Wages Board. Its findings are subject to veto or review by the Commission, or by the courts. But when the disagreement is not too radical, the Wages Board becomes in practice the actual parliament of the industry. Under the Oregon plan its decrees are enforced by the state, under the Massachusetts plan by public opinion.

Its powers, like that of any legislature, are limited. It establishes only the minimum wage. But this must carry with it agreement about hours, piece work, labor conditions, manufacturing methods, use of machinery, and, in the end, profits and prices too. In short, the Wages Board is a device for stimulating in sweated and primitive trades those beginnings of economic democracy which the unions are beginning to construct in the more mature industries. Ultimately this is perhaps the greatest promise of the experiment. The management of these chaotic trades will be scrutinized by the persons most closely concerned — the people who live and work in them. Employers will begin to know what they are at, how their methods compare with those of their rivals. They will learn the difficult and necessary art of thinking about the trade as a whole in its relation to labor and the public. The workers will for the first time get genuine representation, and they should learn by direct example the value of the solidarity of labor. They will receive constant practice in formulating their needs, exerting pressure, making intelligent their demands. And

this, it should be remembered, is in industries where women predominate, women who will soon be voters. No more necessary or more valuable school of democracy can be created than these trade legislatures, in which people have a chance to learn how to govern the conditions of their work.

Yet it would be absurd to assume that minimum wage legislation is a kind of omnibus for paradise. To fix a "living standard" would be a great advance over what we have, but by every civilized criterion it is a grudging and miserable thing. In those moments of lucidity when we forget our hesitancy before brute obstruction it seems like a kind of madness that we should have to argue and scrape in order that we may secure to millions of women enough income to "live." If we had not witnessed whole nations glowering at each other all winter from holes in the mud it would be hard to believe that America with all its riches could still be primitive enough to grunt and protest at a living wage — a living wage, mind you; not a wage so its women can live well, not enough to make life a rich and welcome experience, but just enough to secure existence amid drudgery in gray boarding-houses and cheap restaurants.

We may fail to secure that. So far as the press is concerned, the issue hardly exists. It lies at the moment stifled in platitudes and half-truths about "not hurting business." From the little comment there is, we might think that a business was sound if it rested on the degradation of its labor; might think that business men were a lot of jumpy neurotics ready to shrivel up and burst into tears at a proposal to increase their wages bill a penny or two on the dollar; might think, from the exclamations of Mr. Brown and his friend John Smith, that a campaign against sweating would do no less than ruin the country.

But you cannot ruin a country by conserving its life. You can ruin a country only by stupidity, waste and greed.

APPENDIX E

DEBATING LEAGUES

Rather than reprint here a complete copy of a constitution of a debating league, a list of points which should be covered will be presented. Copies of complete formal constitutions of leagues are so plentiful, and can be found in so many different books and pamphlets that it is not worth while to take the space here to produce one. But the following suggestions are made in the belief that the simplest possible agreement incorporating an understanding on the following points will be the most satisfactory type of agreement for high school debating.

1. *A triangular league.* A triangular agreement is much more satisfactory for a number of reasons than a league of any other size. In this, three schools agree to debate the same question on the same night. Each school has an affirmative and negative team, and keeps the affirmative team at home and sends the negative team away. For example, the first year, if Andover, Brownsville, and Cheshire are in a league, each one will have an affirmative team at home. The Andover negative team will meet the Brownsville affirmative at Brownsville, the Brownsville negative will meet the Cheshire affirmative at Cheshire, and the Cheshire negative will meet the Andover affirmative at Andover. Then the second year the Andover affirmative will meet the Brownsville negative at Andover, the Brownsville affirmative will meet the Cheshire negative at Brownsville, and the Cheshire affirmative will meet the Andover negative

at Cheshire. The important thing to remember is to decide at the beginning how the league will start, and after that the rotation is perfectly regular. If there is a large state league, made up of a series of triangular leagues, the winners of one triangle are paired against the winners of another triangle, and the winner of this pair against the winner of a similar pair, and so on. Where the contests are judged by three judges, rate and per cent. should be taken, and if the winner is not determined by getting two victories, then the winner should be determined by getting the votes of the largest number of judges. And if this does not determine, then the winner should be determined by the highest average percentage of its six speakers, as rated by the judges in all the contests; and if this does not determine, then the teams so tied should draw lots.

2. *The order and length of speeches should be agreed on.* The best order for a three-man team is: main speeches; first affirmative, first negative, second affirmative, second negative, third affirmative, third negative. And for rebuttal speeches; first negative, first affirmative, second negative, second affirmative, third negative, third affirmative. Three-man teams are to be preferred to two-man teams, but the same order of speaking may be followed by a two-man team. The length of speeches for teams composed of three each, should be ten or twelve minutes for the main speeches, and five or six minutes for rebuttal. For teams composed of two each, the speeches should be fifteen or eighteen minutes for the main speech, and six to ten for the rebuttal.

3. *Schools should agree upon the eligibility of contestants* covering scholastic standing, age, and debating experience.

4. *Schools should agree upon the method of choosing the question.* The best possible method is to have faculty

representatives of the schools, preferably the teacher of speech, or other teacher who has supervision of debating, meet in conference on an agreed date each year and agree upon the question. If for any reason this does not work out, the second best method is to have each school on an agreed date propose a proposition to each of the other schools in the league; then on a second agreed date, about a week or ten days later, have each school send to each other school the complete list of questions rated and graded in percentages between fifty and a hundred, precisely as contestants are graded in contests. If this results in a tie, then the question should be submitted to some impartial and competent authority on debating to choose a question out of the list, or to break the tie. A third possible method is to agree upon some competent authority in debate, acquaint such person with the situation in the league, ask such a person to frame a proposition for the year's debates, and agree in advance to take the proposition so framed without question or discussion of possible changes.

5. *Judges.* The schools should agree upon the matter of choosing judges and the instructions and ballots to be used. Again the best possible method is to have the respective faculty members of the school meet in conference and agree upon a board of judges. If such a meeting is impracticable, the next best method is to come to an agreement by correspondence. The first thing to do is to agree upon the type of judge who shall be called in. The suggestions presented in this text are here recommended for consideration in deciding upon the type of judge and the type of decision wanted. Elsewhere in this appendix copies of suggested ballots and instructions to judges are printed.

6. *Miscellaneous suggestions* in regard to delivery, notes, charts, formal or informal dress, etc., may be agreed upon

if desired. Any of the suggestions made in this text may be incorporated into an agreement, or there may be simply an understanding between the schools that they will try to carry on debating according to the suggestions of the various chapters of this volume.

APPENDIX F

INSTRUCTIONS AND BALLOT FOR A JUDGE OF A DEBATE

To the Judge:

You are called here as one who knows what constitutes excellence in debating, and you are asked to render a decision based upon the comparative excellence shown by the teams in this contest.

The contestants have been told that "excellence in debating" covers: (a) proper analysis or interpretation of the proposition and a sound plan of case based upon such analysis, (b) adequate knowledge of the subject, acquaintance with the evidence available, (c) straight thinking based upon the evidence presented, (d) good use of English, (e) effective public speaking, (f) proper conduct or deportment toward opponents, audiences, judges, presiding officer.

The contestants have further been told that definite per cents have not been assigned to the divisions mentioned, but that each judge will take all of them into consideration in arriving at his decision and will give to each whatever weight he thinks it entitled to.

Please give below, as specifically as possible, the reasons for your decision.

. . . . . .

BALLOT

On the basis of the above instructions, I vote to award the debate to the ..... team, for the following reasons:

(Signed) ....., Judge.

APPENDIX G

CRITICISM BLANK AND BALLOT FOR JUDGE OF A DEBATE

INTERSCHOLASTIC DEBATE

MARCH 26, 1920

Andover High School, Affirmative

vs.

Brownsville High School, Negative

Resolved: that.....

.....

Points to be considered in arriving at a decision	*Affirmative*				*Negative*			
	1	2	3	Team	1	2	3	Team
Analysis or interpretation of the proposition (plan of case)								
Knowledge, information evidence								
Reasoning, inferences, based on evidence								
Ability in Extemporizing								
Conduct or deportment								
Ability in rebuttal								
Use of English								
Clearness of speech — easy to hear? pronunciation, enunciation, etc.								
Power or effectiveness in public speaking.								

NOTE: The critic or judge may fill in percentages for each speaker or for each team as a whole; or he may use + and — to indicate his general opinion on each point, either for individuals or teams. The judge shall decide for himself the relative weight to be given to each of the points mentioned.

On the basis of the criticism as indicated by markings on the above blanks, it is my decision that, on the whole, the better debating was done by the ..... team.

(Signed) .....,
Judge.

APPENDIX H

DISCUSSION CONTESTS

In discussion contests, as in debating contests, the simpler the form of the agreement the better. The following suggestions are offered in the belief that carrying them out will furnish the schools one of the most valuable possible types of speaking contest.

1. Such contests may be held within the school between clubs or classes, or may be held between schools. The contestants may be either individuals or teams. If individuals, of course each one is rated by himself, and if teams, then each member of the team is rated on his own ability, and the team rating is simply the average of the individuals composing the team.

2. Systems or plans vary slightly. In all of them the object is extemporaneous discussion. The following four plans are suggested:

Plan A. Probably the most satisfactory of the suggested plans is as follows: A general subject for study is agreed upon and given out, say, three months or other definite period, before the night of the contest. On the day of the contest the faculty representatives of the schools meet and agree upon a list of topics. If there are six contestants in the contest, the list of topics should be probably twelve or fifteen. The representatives of the schools may either agree together on each topic, or, if there are three representatives present, each may have the privilege of writing out one-third of the topics. If two happen to write the same topic, they may

draw lots to see who shall have the privilege of putting in another one. From this list of topics the contestants shall each draw a subject by lot at the time agreed upon (probably an hour or two before the contest opens). After having drawn the subject, the contestants shall be placed together in some room, as a classroom, without books or material, and be allowed quiet in which to plan their discussions. Each contestant should be allowed to have in his possession a maximum of three or four 4″ x 6″ cards, on which to make an outline. Places on the program are also to be determined by lot. Under this scheme a general subject is chosen, as for example, "Interscholastic athletics" or the "Monroe Doctrine," or the "Negro Question."

Plan B. Under this plan a general subject is chosen in advance, *with a list of specific topics related to it,* published at the same time. Students are allowed to prepare on each of these topics, each being required to give his word of honor that he will not write anything whatever, not even notes or outlines, and will not memorize anything read. Then on the night of the contest, the contestants draw from this list of published subjects by lot. The type of program possible under this plan may be indicated by the following: General subject to be announced, "Food and War." Sub-topics to be drawn by lot on the night of the contest might be:

1. Food situation in France, or England, or Italy.
2. Food situation in neutral countries: Holland, Norway.
3. Wheat and war in America. (Beef, pork.)
4. Feeding the American army.
5. The food shipment to allies.

Plan C calls for a list of separate topics, such, for in-

stance, as the following quoted from an article by Mr. E. H. Wilds, *Quarterly Journal of Speech Education,* April, 1917, p. 181:

1. Compulsory Arbitration of Labor Disputes.
2. The City Manager Plan.
3. The Public Defender.
4. Should the United States Fight?
5. National Prohibition.
6. The Railroad Eight-hour Law.
7. A League to Enforce Peace.
8. The Federal Child Labor Law.
9. Improving the Rural Schools.
10. Women and the War.
11. The Country Church.
12. Submarine Warfare.
13. Atrocities of the War.
14. Country Life in America.
15. The European War and Christianity.
16. Japan and the United States.
17. The New Russia.
18. Hours of Labor.
19. The Literacy Test for Immigrants.
20. The Situation with Mexico.

It might be well to have simpler and more concrete subjects than those given in this list, but this illustrates the type.

Plan D. Extemporaneous debate. This plan is much like Plan A, except that on the night of the contest, instead of drawing definite topics under the general subject, a formal proposition dealing with this subject is announced, and the contestants draw lots for side and position, and after a brief preparation, proceed to hold a regular debate. Such subjects as those mentioned un-

der "A" might be used, or any important problem of the day.

3. Preparation. In regard to the preparation for these contests, much has been already suggested above. In addition it may be said that bibliographies may or may not be furnished. There should be a definite agreement not to write or memorize anything in preparation. Other details of the contest to suit varying situations in different institutions may easily be incorporated.

4. Judges. Judges for such contests have already been discussed in the text and suggested instructions and ballots are included elsewhere in the Appendix. It is enough here to suggest that a definite agreement be reached in regard to the type of the judge wanted and the instructions to be given to him. Only competent critics should be chosen for judges, and one expert critic of debate or public discussion will probably prove much more satisfactory than three or five judges whose opinions are of less significance.

5. Formal regulations between schools may be drawn up on the same basis as that suggested elsewhere in the Appendix for a debating league, and the choice of subjects and the choice of judges should be arranged for in the same manner as suggested in the discussion of debating leagues printed elsewhere.

APPENDIX I

INSTRUCTIONS AND BALLOT FOR JUDGE OF A DISCUSSION CONTEST

To the Judge:

You are called here as one who knows what constitutes excellence in oral public discussion, and you are asked to grade the contestants on the basis of the comparative excellence shown. Please give each contestant both a rank and a percentage. Do not give any two contestants the same rank or the same percentage. No percentage should be less than 50, not more than 100.

The contestants are familiar with these instructions, and have been told in addition that excellence in oral public discussion covers:

1. Adequate knowledge of the subject discussed.
2. Sound thinking.
3. Good oral composition (organization, diction, grammar, etc.)
4. Effective speaking.

The contestants have been told that definite per cents will not be assigned to these divisions, but that all of these will be considered in arriving at the decision.

Ballot

Name of Contestant or Subject (or both)	Rank	Percentage

(Signed) .....,
Judge.

INDEX

A

Actual issues, 34
Adjustment or repairs, negative case, 43
Admitted issues, 34
Advantages of extemporaneous speaking, 162
Affirmative, burden of proof on, 22
  case, 40
  the first, 150
Analogy, 100
  figurative, 101
  literal, 101
Analysis of stock issues, 37
  problem of, 28
  stock issues in, 36
Antecedent probability, 87
Argument and evidence, 56
Argumentation defined, 3
Argument by example, 87
  by generalization, 96
  effect to cause, 91
  effect to effect, 93
  forms of, 86
  from analogy, 100
  from antecedent probability, 87
  from association, 94
  from authority, 67, 79
  from cause to effect, 87
  from sign, 87, 91
  new in rebuttal, 113
Arrangement, defined, 117
Assertion, proposition an, 20
Association, 94
Authority, argument from, 67, 79
Authorities, misuse of, 68
Authority, recognised, 81
  qualified, 81

B

Balanced summary, 154
"Block" system of speaking, 171
Brevity, 146
Brief and outline, 124
  defined, 124
  drawing, rules for, 127
  outline and speech, 143
  propositions, 25
Burden of proof and burden of rebuttal, 28
  of proof in proposition, 22
  of proof on affirmative, 32
  of proof shifted, 29
  of rebuttal and burden of proof, 28
  of rebuttal shifted, 29

C

Card form, 54
Case, affirmative, 40
  negative, 41
Cause to effect, 87
Characteristics of good propositions, 19
Charts, 173
Choosing judges, 12
Circumstantial evidence, 63
Classifications of reasoning, 86

Class work, 4
Coherence, 119
Composition, extemporaneous, 144
Conclusion, the, 153
Concrete propositions, 22
Contestants, purpose of, 6
Contests, decisions in, 7
  function of, 5
  work, 4, 5
Counter proposition, negative case, 44
Critic's vote, 11

D

Dangers of extemporaneous speaking, 165
Debatable proposition, 25
Debate defined, 3
Decisions in contests, 7
  types of, 8
Defense of the present, negative case, 42
Delivery, extemporaneous, 162
  importance of, 157
  impromptu, 160
  memorized, 161
  methods of, 160
  reading, 160
Diagrams, 173
Direct evidence, 63
Discussion, the, 152
Documentation, 55

E

Effect to cause, 91
Effect to effect, 93
Emphasis, 121
  place, 122
  space, 123
Evidence and argument, 56
  and reasoning, 84
  circumstantial, 63
  consistent with experience, 71
  consistent with itself, 72
  consistent with known facts, 70
  defined, 60
  direct, 63
  expert, 66
  hearsay, 65
  hearsay test of, 72
  kinds of, 62
  negative 66
  new, in rebuttal, 113
  opinion, 79
  opinion needed, 80
  original, 65
  personal, 64
  real, 64
  tests of, 70
  tests of sources of, 75
  thinking through, 58
Example, argument from, 87, 96
Expenses of judges, 14
Experience, evidence consistent with, 71
Expert evidence, 66
  judge, 13
  witnesses, 66–79
    needed, 80
Extemporaneous composition, 144, 145
  contest defined, 4
  speaking, 162
    advantages of, 162
    dangers, 165

F

Fact and opinion in evidence, 60
Fighting issues, 34

Figurative analogy, 101
Flexibility, 162
Forms of argument, 86
First affirmative, 150
negative, 151
Function of contests, 5
of judges, 47, 48

G

Generalization, 96
from single instance, 100, 102
Good propositions for debate, characteristics of, 19

H

Hearsay evidence, 65
test, 65
of evidence, 72

I

Importance of delivery, 157
Impromptu speaking, 160
Indexes, 50
Inspiration of audience, 164
Interesting propositions, 26
Interviews, 51
Introduction, the, 150
Investigation defined, 49
necessary, 49
propositions for, 18
Issues, actual, 34
admitted, 34
and partition, 35
defined, 30
fighting, 34
in general argument, 32
in law, 31
kinds of, 33
potential, 34
stock, 36

J

Judge, expert, 13
single, 13
Judges, choosing, 12
decisions, 8 ff
bases of, 47, 48
expenses, 14
function of, 47, 48
Judging debate, 47
Juryman's vote, 9

K

Kinds of evidence, 62
of issues, 33
of propositions, 17
Known facts, evidence consistent with, 70

L

Law, issues in, 31
Learning to speak in public, 158
Legislators' vote, 8
Letters, private, 51
Literal analogy, 101
Losing and winning, 47

M

Memorized delivery, 161
Methods of delivery, 160
of refutation, 113
Misuse of authorities, 68
Mixed method of speaking, 171
Monotony, 165
Mood of audience, 162

N

Natural speaking, 159
Negative case, 41
  case, adjustment or repairs, 43
  case, counter proposition, 44
  case, defense of the present, 42
  case, pure refutation, 42
  cases, illustrated, 46
  evidence, 66
  the first, 151
Newcomer, Elements of Rhetoric, 148
Note card, 54
Notebook, 53
Notes, 53

O

Observation, 52
Opinion and fact in evidence, 60
  evidence, 79
  evidence needed, 80
Opportunity of witness, 78
Oral discussion defined, 4
Ordinary witnesses, 66, 76
Original evidence, 65
Outline and brief, 124
  brief and speech, 144
  explained, 125
Outlining in partition, 36

P

Parallel column analysis, 61
Partition, 35
  and issues, 35
Personal evidence, 64
  observation, 52
  taste, 25
Phrasing refutation, 108
  the proposition, 19
Place emphasis, 122
Plan of study, 52
Platform helps, 171
Potential issues, 34
Preparation of refutation, 114
Prima facie case, 29, 106
Principles, three rhetorical, 117
Printed material, 50
Private letters, 51
Probability, antecedent, 87
Problem of analysis, 28
Proposition, brief, 25
  and assertion, 20
  concrete, 22
  debatable, 25
  defined, 15
  interesting, 26
  phrasing the, 19
  simple, 22
  single, 20
  specific, 22
  unambiguous, 20
  unprepared, 21
Propositions, burden of proof in, 22
  characteristics of good, 19
  for investigation, 18
  kinds of, 17
  necessary, 15
Public speaking, learning, 158
Pure refutation, negative case, 42
Purpose of contestants, 6

Q

Quality of evidence, tests of, 70
Qualities of extemporaneous speaking, 145

Quarterly Journal of Speech Education, 9, 14

R

Reading, 160
Real evidence, 64
Reality, 174
Reasoning and evidence, 84
  classification of, 86
  not evidence, 60
Rebuttal, defined, 105
  new argument in, 113
  new evidence in, 113
  speeches, 112, 155
Refutation, Affirmative and negative, 105
  defined, 105
Refutation, methods of, 113
  phrasing, 108
  preparation of, 114
  time and place, 111
Refute, what to, 106
Repetition, 165
Rhetorical principles, three, 117
Rules for brief drawing, 127

S

Shifted burden of proof, 29
  burden of rebuttal, 29
Sign, 87
  argument from, 91
Simplicity, 147
Single judge, the, 13
  proposition, 20
Simple proposition, 25
Sources, 50
Space emphasis, 123
Specific proposition, 22
Speeches, rebuttal, 112, 155
Speech, outline, and brief, 143
Stock issues 36
  analysis of, 37
  in analysis, 36
Summary, balanced, 154

T

Term, 16
Test of hearsay evidence, 65
Tests of evidence, 70
Tests of quality of evidence, 70
  of sources of evidence, 75
Types of decision, 8
  of negative cases, 42
    illustrated, 46
  of vote, 8

U

Unambiguous proposition, 20
Unity, 118
Unprejudiced proposition, 21

V

Variety, 149
Vividness, 147
Vote, critic's, 11
  juryman's, 9
  legislator's, 8
  types of, 8

W

Winning and losing, 47
Witness, expert, 66–79
  needed, 80
  mentally qualified, 77
  morally qualified, 77
  opportunity of, 78
  ordinary, 66, 76
  physically qualified, 76

UNIVERSITY OF CALIFORNIA LIBRARY
BERKELEY

Return to desk from which borrowed.
This book is DUE on the last date stamped below.

14May'51PM
8May'51LU
19May52GK
5May52LU

LD 21–95m–11,'50(2877s16)476

02165

133188

UNIVERSITY OF CALIFORNIA LIBRARY